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# PRIVATE AND LOCAL

# LAWS

PASSED BY THE

# LEGISLATURE OF WISCONSIN

IN THE YEAR 1872.

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*Published by Authority.*

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MADISON, WIS.:
ATWOOD & CULVER, STATE PRINTERS.
1872.

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# LIST OF MEMBERS AND OFFICERS.

"SECTION 1. * * * There shall be prefixed to each volume of the laws hereafter published the names and residences of the several state officers, the senators and members of the assembly, and the presiding officers, and clerks of both branches of the legislature, at the time of the passage of such laws."—*General Laws of* 1854. *Chapter* 94.

## NAMES AND RESIDENCES

OF THE STATE OFFICERS, SENATORS, MEMBERS OF THE ASSEMBLY, PRESIDING OFFICERS AND CLERKS OF BOTH BRANCHES OF THE LEGISLATURE, IN OFFICE AT THE TIME OF THE PASSAGE OF THE LAWS CONTAINED IN THIS VOLUME.

| NAME. | OFFICE. | RESIDENCE. | |
|---|---|---|---|
| | | POST OFFICE. | COUNTY. |
| C. C. Washburn | Governor | Madison | Dane. |
| M. H. Pettit | Lieut. Governor | Racine | Racine. |
| Charles J. Martin | Private sec. gov. | Madison | Dane. |
| Ll. Breese | Sec'y of state | Portage | Columbia. |
| John S. Dean | Ass't. sec. of state | Madison | Dane. |
| Henry Bætz | State treasurer | Manitowoc | Manitowoc. |
| William Ketcham | Ass't. state treas. | Richland City | Richland. |
| Stephen S. Barlow | Attorney general | Kilbourn City | Columbia. |
| P. L. Spooner | Ass't. att'y gen'l. | Madison | Dane. |
| Samuel Fallows | State sup't | Milwaukee | Milwaukee. |
| J. B. Pradt | Ass't. state sup't. | Madison | Dane. |
| George F. Wheeler | State prison com'r | Nanaupa | Fond du Lac. |
| O. M. Conover | State librarian | Madison | Dane. |
| A. A. Meredith | Sup't. pub. prop'ty | Madison | Dane. |
| DIST. | | | |
| 12. Bacon, Orrin | Senator | Monticello | Green. |
| 5. Belden, Philo | do | Rochester | Racine. |
| 10. Blair, William | do | Waukesha | Waukesha. |
| 32. Brown, Orlando | do | Modena | Buffalo. |
| 31. Cameron, Angus | do | La Crosse | La Crosse. |
| 13. Clark, Satterlee | do | Horicon | Dodge. |
| 7. Colladay, Wm. M | do | Stoughton | Dane. |
| 26. Davis Romanzo E | do | Middleton | Dane. |

| NAME. | OFFICE. | RESIDENCE. | |
|---|---|---|---|
| | | POST OFFICE. | COUNTY. |
| DIST. | | | |
| 28. Eaton, Henry L. | Senator | Lone Rock | Richland. |
| 25. Flint, Waldo S. | do | Princeton | Green Lake. |
| 19. Foster, James H. | do | Koro | Winnebago. |
| 27. Griswold W. M. | do | Columbus | Columbia. |
| 18. Hiner, Wm. H. | do | Fond du Lac | Fond du Lac. |
| 16. Holloway, John C. | do | Lancaster | Grant. |
| 3. Huebschmann, F. | do | Milwaukee | Milwaukee. |
| 24. Irish, Joseph E. | do | New Richmond | St. Croix. |
| 1. Jones, John H. | do | Sheboygan | Sheboygan. |
| 22. Kreiss, George | do | Appleton | Outagamie. |
| 2. Lindsley, Myr'n P. | do | Green Bay | Brown. |
| 9. Little, Francis | do | Mineral Point | Iowa. |
| 11. Magoon, Henry S. | do | Darlington | La Fayette. |
| 29. Miner, Eliphalet S | do | Necedah | Juneau. |
| 6. Mitchell, John L. | do | Milwaukee | Milwaukee. |
| 33. Morgan, Lyman | do | Ozaukee | Ozaukee. |
| 4. Nelson, William | do | Viroqua | Vernon. |
| 8. Pratt, Samuel | do | Spring Prairie | Walworth. |
| 14. Quimby, John B. | do | Sauk City | Sauk. |
| 21. Reed, Myron | do | Waupaca | Waupaca. |
| 15. Schmidt, Carl H. | do | Manitowoc | Manitowoc. |
| 30. Thorp, Joseph G. | do | Eau Claire | Eau Claire. |
| 20. Wagner, Joseph | do | Calvary | Fond du Lac. |
| 17. Williams, Chas. G | do | Janesville | Rock. |
| 23. Woodman, W. W. | do | Johnson's Creek | Jefferson. |
| Hall, Daniel, Speaker. | Member of Ass'mbly | Watertown | Jefferson. |
| Abert, George | do | Milwaukee | Milwaukee. |
| Adams, Benjamin F. | do | Door Creek | Dane. |
| Adams, John | do | Black Earth | Dane. |
| Adams, Michael | do | Danville | Dodge. |
| Allen, Gideon W. | do | Sturgeon Bay | Door. |
| Atwater, Allen H. | do | Oak Grove | Dodge. |
| Ayres, D. Cooper | do | Fort Howard | Brown. |
| Bailey, Elias P. | do | Menomonie | Dunn. |
| Bainbridge, Thomas | do | Benton | La Fayette. |
| Baldwin, Phineas | do | Oregon | Dane. |
| Barron, Henry D. | do | St. Croix Falls | Polk. |
| Bates, Richard B. | do | Racine | Racine. |
| Becker, Moritz N. | do | Milwaukee | Milwaukee. |
| Beckwith, Nelson F. | do | Omro | Winnebago. |
| Black, John | do | Milwaukee | Milwaukee. |
| Bohan, John R. | do | Ozaukee | Ozaukee. |
| Brace, Henry C. | do | Fall River | Columbia. |
| Brockway, Eustace L. | do | Black River Falls | Jackson. |
| Brown, Charles | do | Brookfield Cent'r | Waukesha. |
| Burdick, Zebulon P. | do | Janesville | Rock. |
| Bushnell, Allen R. | do | Lancaster | Grant. |
| Cabanis, George E. | do | Big Patch | Grant. |
| Cary, John W. | do | Milwaukee | Milwaukee. |
| Caswell, Lucien B. | do | Fort Atkinson | Jefferson. |
| Caswell, Oliver A. | do | Mt. Sterling | Crawford. |
| Chase, Henry A. | do | Viroqua | Vernon. |
| Cheever, Dustin G. | do | Clinton | Rock. |
| Colman, Elihu | do | Fond du Lac | Fond du Lac. |

| NAME. | OFFICE. | RESIDENCE. | |
|---|---|---|---|
| | | POST OFFICE. | COUNTY. |
| Comstock, Noah D... | Member of Ass'mbly | Arcadia ..... | Trempealeau. |
| Corning, William W. | .....do..... | Portage City ... | Columbia. |
| Cory, Jerome B..... | .....do..... | Patch Crove.... | Grant. |
| Cowie, George..... | .....do..... | Glencoe ..... | Buffalo. |
| Dimond, Neil ..... | .....do..... | Midland ..... | Marquette. |
| Dixon, William..... | .....do..... | Lone Rock ..... | Richland. |
| Fellenz, John ..... | .....do..... | Milwaukee..... | Milwaukee. |
| Felt, Eugene K..... | .....do..... | Beloit ..... | Rock. |
| Ferrin, Samuel A.... | .....do..... | Montfort..... | Grant. |
| Fowler, Henry ..... | .....do..... | Milwaukee..... | Milwaukee. |
| Graham, Alexander.. | .....do..... | Janesville ..... | Rock. |
| Grimmer, Thomas D. | .....do..... | Oshkosh ..... | Winnebago. |
| Gorman, Michael .... | .....do..... | North Port..... | Waupaca. |
| Gurnee, John D..... | .....do..... | Madison ..... | Dane. |
| Hixon, Gideon C..... | .....do..... | La Crosse..... | La Crosse. |
| Hobart, Adin P..... | .....do..... | Oak Creek ..... | Milwaukee. |
| Horn, Frederick W... | .....do..... | Cedarburg ..... | Ozaukee. |
| Hoskins, William L.. | .....do..... | Lake Mills..... | Jefferson. |
| Hubbell, Richard W. | .....do..... | Oconto ..... | Oconto. |
| Jenkins, John J..... | .....do..... | Chippewa Falls. | Chippewa. |
| Lamoreux, Oliver H.. | .....do..... | Plover..... | Portage. |
| Lamoreux, Silas W... | .....do..... | Mayville..... | Dodge. |
| Larkin, Charles H... | .....do..... | Milwaukee..... | Milwaukee. |
| Lee, Daniel ..... | ..... do..... | De Pere ..... | Brown. |
| Lewis, Calvin E..... | .....do..... | Beaver Dam.... | Dodge. |
| Low, Jacob ..... | .....do ..... | Lowville..... | Columbia. |
| Maxon, Densmore W. | .....do..... | Cedar Creek.... | Washington. |
| May, Reuben..... | .....do..... | Springville .... | Vernon. |
| McNamara, Martin .. | .....do..... | Maple Grove ... | Manitowoc. |
| Moore, William V... | .....do..... | Burlington..... | Racine. |
| Neeves, George A.... | .....do..... | Grand Rapids .. | Wood. |
| Nichols, Archibald .. | .....do..... | Markesan..... | Green Lake. |
| Nichols, Henry F. C.. | .....do..... | New Lisbon.... | Juneau. |
| O'Rourk, Patrick H.. | .....do..... | Cascade ..... | Sheboygan. |
| Patten, Azel W..... | .....do..... | Neenah..... | Winnebago. |
| Pengra, Marshal H... | .....do..... | Juda ..... | Green. |
| Perry, William W... | .....do..... | Prairie da Sac .. | Sauk. |
| Peterson, Casper H. M | .....do..... | New Holstein... | Calumet. |
| Phillips, Bradley .... | .....do..... | Eau Claire..... | Eau Claire. |
| Powell, Oliver S..... | .....do..... | River Falls .... | Pierce. |
| Putnam, George W., Jr | .....do..... | Ash Ridge ..... | Richland. |
| Rankin, Joseph..... | .....do..... | Manitowoc..... | Manitowoc. |
| Reuther, Peter..... | .....do..... | Hika ... ..... | Manitowoc. |
| Richards, John F..... | .....do..... | Tomah ..... | Monroe. |
| Ringle, Bartholomew. | .....do..... | Wausau ..... | Marathon. |
| Robinson, Frederick. | .....do..... | Kenosha..... | Kenosha. |
| Rowe, William E.... | .....do..... | Arena ..... | Iowa. |
| Rudd, Eli O..... | .....do..... | Rudd's Mills ... | Monroe. |
| Sacket, Hobart S.... | .....do..... | Berlin ..... | Green Lake. |
| Schott, George ..... | .....do..... | Rubicon ..... | Dodge. |
| Sharp, Elijah M..... | .....do..... | Delavan ..... | Walworth. |
| Shaw, Major..... | .....do..... | Hingham ..... | Sheboygan. |
| Smith, Archibald D.. | .....do..... | Lind ..... | Waupaca. |

| NAME. | OFFICE. | RESIDENCE. | |
|---|---|---|---|
| | | POST OFFICE. | COUNTY. |
| Smith, Winfield | Member of ss'bly. | Milwaukee | Milwaukee. |
| Solon, John | do | Richwood | Jefferson. |
| Spooner, John C | do | Hudson | St. Croix. |
| Stafford, Amos W | do | Geneva | Walworth. |
| Stone, Eliphalet S | do | Summit | Waukesha. |
| Strachan, John | do | Mineral Point | Iowa. |
| Swain, George G | do | Kilbourn City | Columbia. |
| Wallber, Emil | do | Milwaukee | Milwaukee. |
| Wallihan, Orlando F. | do | Footville | Rock. |
| Walters, Aaron | do | Foster | Fond du Lac. |
| Weeden, George W | do | Sheboygan | Sheboygan. |
| Weil, Baruch S | do | Schleisingerville. | Washington. |
| White, Samuel A | do | Whitewater | Walworth. |
| Winkler, Frederick C. | do | Milwaukee | Milwaukee. |
| Wœlz, Christian | do | Green Bay | Brown. |
| Wood, Alson | do | Waukau | Winnebago. |
| Wroe, William H. H. | do | Medina | Outagamie. |
| Yorty, Andrew J | do | Brandon | Fond du Lac. |
| Milton H. Pettit | Lt. gov. & pres. sen. | Racine | Racine. |
| Charles G. Williams. | Pres. senate *pro tem* | Janesville | Rock. |
| Daniel Hall | Speaker of ass'bly. | Watertown | Jefferson. |
| James H. Waggoner. | Chief clerk senate. | Richland Center. | Richland. |
| S. F. Hammond | Ass't clerk senate | Clinton | Rock. |
| E. W. Young | Chief cl'k assembly | Prairie du Sac | Sauk. |
| W. M. Newcomb | Ass't cl'k assembly | Darlington | La Fayette. |

NOTE.—Where a superfluous word has been found in the enrolled bill, it has been printed in the text, but in italics, and enclosed in parenthesis, ⟨*thus*⟩. Where a word has been found necessary to sustain the sense of the context, or where one word has been obviously mistaken for another, the word supposed to be proper has been supplied, but in brackets, [thus]

# PRIVATE AND LOCAL LAWS.

## CHAPTER 1.

**AN ACT to legalize the official acts of C. N. Parsons, a notary public in the county of Rock.**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. C. N. Parsons, of the county of Rock, having been duly commissioned by the governor of the state of Wisconsin, as notary public, by commission bearing date February 4, 1869, and which expired February 4, 1871, and having by mistake continued to act as such notary until January 3, 1872, before discovering that his said commission had expired, all the official acts of the said C. N. Parsons as notary public from February 4, 1871, to January 3, 1872, are hereby legalized and made valid to all intents and purposes, as though said Parsons had been duly commissioned and appointed as such notary public during said last named period. Legalized.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved January 24, 1872.

## CHAPTER 2.

[*Published January* 25, 1872.]

AN ACT to amend an act, entitled "an act to consolidate and amend an act to incorporate the city of Watertown, and the several acts amendatory thereof," approved March 28, 1865.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Powers of street commissioners extended.

SECTION 1. The board of street commissioners of the city of Watertown shall have all the powers conferred by law upon the common council of said city, in relation to public schools, the police, fire department, nuisances, the regulation of slaughter houses, and the public health, subject to the regulation and control of said common council: *provided*, that said board of street commissioners shall have no power of levying taxes for any purpose whatever.

May extend the time for collection of taxes.

SECTION 2. The mayor and city clerk of said city, subject to the regulation and control of the common council, shall have power to extend the time for the collection of taxes in said city for such period as they shall deem necessary, not exceeding thirty days: *provided*, such extension shall not postpone the payment to the county treasurer of the state tax included in the tax roll of said city.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved January 24, 1872.

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## CHAPTER 3.

[*Published February* 3, 1872.]

AN ACT relating to the issue of bonds by the city of Milwaukee, and amendatory of chapter four hundred and six of the private and local laws of 1871.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Amount of water bonds increased.

SECTION 1. The amount of bonds called water bonds, authorized to be issued by the city of Mil-

waukee, in the first section of chapter four hundred and six of the private and local laws of 1871, being the act mentioned in the title of this act, is hereby increased from one million of dollars to one million and four hundred thousand dollars: *provided, however*, that none of the said bonds shall be issued in excess of five per centum on the amount of the assessed value of the taxable property in said city, as provided in section ten of the act hereby amended; *and provided, further*, that the said city of Milwaukee shall hereafter issue no other bonds under any other authority of law, until the whole amount of bonds authorized in this section, or a sufficient amount thereof, in the judgment of the board of water commissioners, created by the act hereby amended, to complete the water works authorized by act hereby amended, shall have been issued.

Amended.

SECTION 2. Section three of said chapter four hundred and six is hereby amended so as to read as follows: Section 3. The bonds hereby authorized to be issued shall be signed by the mayor and clerk of the said city, sealed with the corporate seal of the said city, countersigned by the comptroller of the said city, and attested by the commissioners of the public debt of the said city, and shall in terms be made payable generally, or in gold coin, or some generally and the remainder in gold coin, in the city of Milwaukee, in the city of New York, or in any of the principal cities of Europe, and such bonds shall each be for the principal sum of one thousand dollars, or five hundred dollars, or one hundred dollars, and shall have coupons or interest warrants attached thereto, for the semi-annual payment of the interest thereon.

How bonds to be executed.

Bonds to have engraved upon face, valuation of property and full amount of bonded debt.

SECTION 3. All bonds hereafter to be issued by the city of Milwaukee, under any authority of law, shall have plainly engraved or printed in figures, on some convenient place thereon, the several amounts of the assessed value of the taxable property of the city of Milwaukee for the five several years next preceding the issue of such bonds, and also the principal sum of the bonded debt of the said city of Milwaukee, issued and outstanding, specifying severally the amount of each issue of such bonds, including the issue of which such bonds shall be a part.

Repealed.

SECTION 4. Section nine of the act hereby amended is hereby repealed.

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved February 2, 1872.

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## CHAPTER 4.

[*Published February* 9, 1872.]

AN ACT to amend an act, entitled an act to enable the city of Milwaukee to construct water works, and to carry on and manage the same, approved March 24, 1871.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Repealed.

SECTION 1. Sections seventeen, eighteen and nineteen and the proviso at the end of section ten of chapter 475 of the private and local laws of 1871, being the act mentioned in the title of this act, are hereby repealed.

Amended.

SECTION 2. Section thirteen of the act hereby amended, is hereby amended by striking out the proviso at the end of the said section, and inserting instead thereof a proviso in these words following: *provided*, that all such employments and compensation shall be specified in the reports of the said board of water commissioners, required to be made by section twenty of the act hereby amended, and when so reported may be rejected by a vote of two-thirds of all the members of each board of the common council, and when so rejected shall cease to have any further force.

May alter plans

SECTION 3. The said board of water commissioners shall have power from time to time, in their discretion to make amendments, modifications and alterations in the details of the general plan of water works adopted under section six of the act hereby amended, but shall not have power to change the general plan itself without the consent of the common council.

May let work in subdivisions.

SECTION 4. The said board of water commissioners shall have power from time to time to let the work of the said water works in such subdivisions and quantities, and by as many lettings as they shall deem expedient, in the same manner as contracts are let by law

by the board of public works of the said city. But whenever the lowest bid for any such work shall appear to the said board to be too high, the said board is authorized to reject all bids therefor. And whenever any bidder shall be, in the judgment of the said board, for any reason unsatisfactory to the said board, the said board may, in their discretion, reject his bid therefor, and let the work to other parties at the same rate as his bid, or proceed to relet the same.

**How written contract to be executed.**

SECTION 5. All such work let by the said board of water commissioners shall be done under written contracts to be approved, as to form by the city attorney, before execution, and shall be made in the name of the city of Milwaukee, and executed on its behalf by the president and the clerk of the said board of water commissioners, and countersigned by the comptroller of the said city in duplicate; one part thereof shall remain in the office of the said board, and one part shall be deposited with the comptroller of the said city.

**May do work without contract.**

SECTION 6. Whenever in the judgment of the said board of water commissioners, to be determined by resolution entered upon their record, it will be more for the interest of the said city to do any work by its own servants, agents or workmen, than to let the same by contract, the said board shall have power to do such work without letting the same.

**May allow estimates for work and materials.**

SECTION 7. The said board of water commissioners shall have power, in their discretion, to allow estimates to contractors for work actually done under their respective contracts, or for material furnished, and upon the completion of such contracts, to pay the contract price therefor, by warrant drawn upon their treasurer, as provided in section fifteen of the act hereby amended.

**Powers of the board.**

SECTION 8. All powers conferred by law upon the board of public works of the said city in relation to work and contracts for work within the jurisdiction of that board, are hereby granted to the said board of water commissioners, as far as the same may be applicable and not inconsistent with this act or the act hereby amended, in relation to work and contracts for work, within the meaning of the act hereby amended.

**Shall audit all claims.**

SECTION 9. The said board of water commissioners shall have the sole power of auditing all claims and demands in relation to the construction of said water

works, and arising under this act or the act hereby amended.

Report to be filed in comptroller's office.

SECTION 10. The reports directed by section twenty of the act hereby amended, after being submitted to the common council of the said city, shall be filed in the office of the comptroller of the said city.

If comptroller refuse to countersign, how proceed.

SECTION 11. In case the comptroller of the said city shall at any time refuse to countersign any contract in pursuance of the provisions of section twenty-one of the act hereby amended, it shall be his duty to give notice in writing thereof, to the said board of water commissioners, specifying his reasons therefor. And thereupon all the members of the said board of water commissioners may, in their discretion, sign a written direction to the said comptroller to countersign such contract. And thereupon it shall be the duty of the said comptroller to countersign the same.

SECTION 12. This act shall take effect and be in force from and after its passage and publication.

Approved February 8, 1872.

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## CHAPTER 5.

[*Published February* 13, 1872.]

AN ACT to amend section two of chapter four hundred and forty-two of the private and local laws of 1868, entitled "an act to amend chapter three hundred and eighteen of the private and local laws of 1855, entitled 'an act to authorize the establishment of a house of refuge for juvenile and other delinquents, in the county of Milwaukee, and acts amendatory thereof.'"

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Amended.

SECTION 1. Section two of chapter four hundred and forty-two of the private and local laws of 1868, entitled "an act to amend chapter three hundred and eighteen of the private and local laws of 1855, entitled 'an act to authorize the establishment of a house of refuge for juvenile and other delinquents, in the county of Milwaukee, and acts amendatory thereof,'" is hereby amended so as to read as follows: Section 2. Section one of chapter four hundred and thirty-nine of

the private and local laws of 1866, entitled "an act to amend chapter three hundred and eighteen of the private and local laws of 1855, entitled 'an act to authorize the establishment of a house of refuge for juvenile and other delinquents in the county of Milwaukee,'" is hereby amended so as to read as follows: Section 1. Section ten of chapter three hundred and eighteen of the local and private acts of the year 1855, entitled "an act to authorize the establishment of a house of correction for juvenile and other delinquents in the county of Milwaukee," is hereby amended so as to read as follows: After the said determination shall be published as hereinbefore prescribed, every court, justice, magistrate or other officer in the county of Milwaukee, that shall be authorized by law to commit or sentence any person to the common jail of Milwaukee county as a vagrant, disorderly person or common prostitute, or by virtue of a final sentence for any offense or upon a final conviction in any case (except in cases of conviction for the crime of murder in the first and second degrees), may in his or its discretion, sentence such person to be confined in said house of refuge for such time as such person might have been sentenced to be confined in the county jail or state prison, if this act had not been passed; and in addition to any sentence now authorized by law to be pronounced in such case, may sentence such person to be confined at hard labor or solitary confinement, in whole or in part, or in part to each, at the discretion of such court or officer. All mittimuses and warrants of commitment issued after any such conviction shall be issued and directed to the inspector or any of his deputies of said house of correction, and shall be his authority for the detention of any such person so convicted.

**May sentence to house of correction.**

**How process issued.**

SECTION 2. All provisions of the law contravening the letter or spirit of the above amendments shall be so construed as not to conflict therewith.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved February 10, 1872.

## CHAPTER 6.

**AN ACT to vacate a portion of the Black River Road in Vernon county.**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Vacated.

SECTION 1. So much of the old traveled state or territorial road, known as the Black River Road, as lies within the towns of Franklin and Viroqua, in Vernon county, is hereby vacated.

Construed.

SECTION 2. This act shall not be construed so as to vacate or make void any county or town road laid upon, near or parallel to the road aforesaid.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved February 16, 1872.

---

## CHAPTER 7.

[*Published February* 24, 1872.]

**AN ACT to repeal chapter three hundred and twenty-three of private and local laws of 1871, entitled "an act to enable damages in certain cases to be paid by the first ward of the city of Oshkosh."**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Repealed.

SECTION 1. Chapter three hundred and twenty-three (323) of the private and local laws of eighteen hundred and seventy-one (1871), entitled "an act to enable damages in certain cases to be paid by the first ward of the city of Oshkosh," is hereby repealed.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved February 20, 1872.

## CHAPTER 8.

AN ACT to vacate a portion of the state road laid out under chapter ninety-three of the private and local laws of 1871.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. The state road laid out, surveyed and established from the village of Richland Center, in the county of Richland, to the village of Platteville, in the county of Grant, on the 20th day of June, 1871, by the commissioners appointed under chapter 93 of the private and local laws of 1871, is hereby vacated from the place of commencement of said road, at the southeast corner of the northeast quarter of section twenty-one, in the said village of Richland Center, to the south line of the county of Richland. Vacated.

SECTION 2. All acts and parts of acts, contravening the provisions of this act are hereby repealed.

SECTION 3. The provisions of this act shall take effect and be in force from and after its passage and publication.

Approved February 20, 1872.

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## CHAPTER 9.

AN ACT to amend chapter one hundred and seventy-six of the private and local laws of 1871, entitled "an act to authorize and require the clerk of the board of supervisors of the county of Saint Croix to keep up and maintain an abstract of tax sales."

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Section one of chapter one hundred and seventy-six of the private and local laws of 1871, entitled "an act to authorize and require the clerk of the board of supervisors of the county of Saint Croix to keep up and maintain an abstract of tax sales," is hereby amended by striking out all after the word, "paid," where the same occurs in the twelfth line of said section, and in- Amended.

sert in lieu thereof, the following: "Such compensation as the board of supervisors of said county may by resolution fix."

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved February 21, 1872.

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## CHAPTER 10.

[*Published February* 24, 1872.]

**AN ACT to authorize the city of Milwaukee to aid in the construction of the Eastern La Fayette and Mississippi Railway Company.**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

**May authorize issuing bonds to aid railroad.**

SECTION 1. The common council of the city of Milwaukee shall have power by ordinance to authorize, upon such terms and conditions, and with such guaranties and securities as they may require, the issue of the corporate bonds of said city to the amount of fifty thousand dollars, payable at such time as the common council shall determine, with interest at the rate of seven per cent. per annum, to be used exclusively for the purpose of aiding in the construction of a railroad for public use from Monroe, in Green county, to the left bank of the Mississippi river in Grant county, which is to be a continuation and extension of a railroad now constructed and in operation from the city of Milwaukee to Monroe aforesaid, and which is proposed to be constructed by the Eastern La Fayette and Mississippi Railway Company, of which company the city of Milwaukee, by the issue of said bonds, is to become a stockholder and joint owner, and which railroad, when built, will promote the general prosperity and welfare of said city of Milwaukee.

**How bonds to be executed.**

SECTION 2. The bonds hereby authorized to be issued, shall be signed by the mayor and clerk of the said city, and countersigned by comptroller of the said city, and attested by the commissioners of the public debt of the said city, and shall in terms be made pay-

able in the city of New York, and shall each be for the principal sum of one thousand dollars, or five hundred dollars, and shall have coupons or interest warrants attached thereto, for the semi-annual payment of the interest thereon.

SECTION 3. No bonds shall be issued by the common council under this act, unless a majority of the legal voters of said city, voting on the question shall have first voted in favor of the same at the time and in the manner hereinafter set forth. To be submitted to vote.

SECTION 4. At the election to be held for city officers in the said city, in April, 1872, the legal voters in the several wards may vote on the question of issuing the bonds mentioned in this act, and the inspectors of election are directed to provide a separate box, for the reception of the votes offered on such question, and the ballots so taken shall either have the words, "for the Monroe and Dubuque bonds," or "against the the Monroe and Dubuque bonds," written or printed thereon; the polls to be kept open for the same period as for the election of city officers, and the votes canvassed and returned at the same time, and in the same manner, and if the majority of the votes cast shall be "for the Monroe and Dubuque bonds," then the vote shall be deemed and declared to be in favor of issuing said bonds. Where and how submitted. Form of ballots

SECTION 5. Whenever a majority of the legal voters shall have voted in favor of said bonds in manner aforesaid, the mayor and clerk of the said city of Milwaukee shall make and issue the bonds of said city to the amount of fifty thousand dollars in manner and form as hereinbefore provided, and shall deliver the same in trust to such person or corporation as shall be designated by said common council, which person or corporation so designated, is hereby declared the trustee of said bonds, to hold the same for the following uses and trusts and for no other purpose, to wit: Whenever the said Eastern La Fayette and Mississippi Railway Company or its successors or assigns shall have completed the construction of their railroad from the village of Monroe, in Green county, to the Mineral Point Railroad, so that cars are actually running over the same, the said trustee shall deliver to the said railway company or its successors or assigns twenty-five thousand dollars of said bonds: *provided*, the said railway company If vote is favorable, how bonds to be issued, to what amount and upon what terms to be delivered.

shall simultaneously with the delivery of said bonds and in consideration thereof, deliver to the said trustee, for the use of the city of Milwaukee, such number of shares of the capital stock of said railway company as will, at their par value, amount to the said sum of twenty-five thousand dollars, and the said trustee shall immediately deliver said shares of stock to the treasurer of the city of Milwaukee for the use and benefit of said city. And whenever the said railway company shall have completed the construction of their railroad, so that cars are actually running thereon, from the said Mineral Point Railroad, to any point on the Illinois Central Railroad, near the left bank of the Mississippi river, the said trustee shall deliver to the said railway company or its successors or assigns, the remaining twenty-five thousand dollars of said bonds: *provided*, the said railway company shall simultaneously with the delivery of said last mentioned bonds, and in consideration thereof, deliver to the said trustee for the use of the city of Milwaukee, such additional number of shares of the capital stock of said railway company as will, at their par value, amount to the further sum of twenty-five thousand dollars; *and provided, further*, that none of such bonds shall be delivered by such trustee, until the full performance of all conditions, terms and agreements upon the part of such railroad company be performed, stipulated to be precedent to such delivery. And the said trustee shall immediately deliver such additional shares of stock to the treasurer of the city of Milwaukee, for the use and benefit of said city.

**Shall be entitled to all the benefits of the stock held.**

SECTION 6. The said city of Milwaukee, when it shall have received any stock in said Eastern La Fayette and Mississippi Railway Company, shall be part owner of said railroad, and of the franchises of said company, and shall be entitled to all the benefits and advantages resulting or to result from the ownership of such stock, to which any other stockholder is entitled, and the common council of said city may appoint an agent to vote at all meetings of stockholders of said company, for the election of officers or otherwise, on all the stock held by said city.

**May levy tax instead of issuing bonds.**

SECTION 7. The said common council shall have power by ordinance, instead of issuing bonds as hereinbefore provided, to levy a tax on the taxable property

of said city for the sum of fifty thousand dollars, to be collected in one, two or in three years, and so much in each year as the common council shall determine, and the money which may be realized from such tax shall be paid to the Eastern La Fayette and Mississippi Railway Company, its successors or assigns, to aid in the construction of said railroad, in the same manner as is herein provided for the delivery of said bonds, and stock shall be delivered to said city in consideration of the payment of said money for the same amount at its par value as the money so paid, with all the benefits and advantages hereinbefore stated.

Question of levying tax to be submitted t vote.

SECTION 8. The question of levying such tax shall be submitted to the legal voters of said city, in the same manner, at the same time and with the same effect, as is hereinbefore provided for submitting the question of issuing bonds, except that the ballots shall have written or printed upon them the words, "for the Monroe and Dubuque tax," or "against the Monroe and Dubuque tax."

SECTION 9. This act shall take effect and be in force from and after its passage and publication.

Approved February 23, 1872.

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## CHAPTER 11.

[*Published March* 6, 1872.]

AN ACT to amend chapter 436 of the private and local laws of 1870, entitled "an act to revise, consolidate and amend the act to incorporate the city of Green Bay, and the several acts amendatory thereto," and to annex the borough of Fort Howard to said city of Green Bay.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Annexed to Green Bay.

SECTION 1. All that district of country embraced within the limits of the borough of Fort Howard shall be and the same is hereby annexed to and shall form a part of the city of Green Bay, and shall be subject to the same laws, regulations and ordinances, governing the said city of Green Bay: *provided, however,*

that such annexation be voted for, as hereinafter provided.

Ward divisions.

SECTION 2. The territory included in the present limits of the borough of Fort Howard shall be divided into two wards: that part lying north of the north line of private claim number two, on the west side of Fox river, shall consitute the fourth ward of said city, and that part lying south of said line shall constitute the fifth ward of said city.

Not liable to taxation for city debts.

SECTION 3. The property contained within the present limits of the borough of Fort Howard shall not be liable to taxation for the payment of any debts heretofore contracted by the city of Green Bay, and the property included in the boundaries of the present city of Green Bay shall not be liable to taxation for the payment of any debts heretofore contracted by the borough of Fort Howard.

Election of ward officers.

SECTION 4. The said fourth and fifth wards shall have authority to elect annually on the day appointed for holding elections for city officers, and at the places of holding the last general election, three aldermen, one justice of the peace and one constable, for each of said wards, and one assessor for the two wards. The said justices of the peace shall hold their offices for two years: *provided, however*, that the justices of the peace of said borough of Fort Howard, now in office, shall continue to hold their said offices until the expiration of the term for which they were respectively elected.

Classification of aldermen.

SECTION 5. There shall be elected at the first election under this act, an alderman for each of said wards, who shall hold his office for two years, and thereafter at each annual election alternately, two aldermen and one alderman for each ward, who shall hold their offices for two years, and at the first election aforesaid for said wards, there shall be written or printed or partly written or printed, at the head of the votes for alderman for two years, the words, "alderman for two years," and at the head of the votes for alderman for one year, "alderman for one year," which said annual election shall take place at the same time provided in the city charter.

May levy special taxes for payment of borough debts.

SECTION 6. The common council of the city of Green Bay is hereby authorized to assess and levy from time to time upon the property, real and personal,

now included in the present limits of the said borough of Fort Howard, such special taxes as may be necessary for the purpose of paying and discharging the debts and liabilities incurred by the borough of Fort Howard, and contracted prior to the passage of this act.

Tax for current expenses.

SECTION 7. The common council shall annually levy upon the property liable to taxation in each ward of said city, a tax not exceeding one per centum per annum on the taxable property therein, to defray the the current expenses of such ward.

Shall certify ward debts to council.

SECTION 8. The alderman of any ward of said city shall certify from time to time to the common council, any debts contracted by such ward for the current year, and thereupon the common council shall, if such debt be a proper charge against such ward, allow such debt, and direct the mayor and clerk to issue to the proper persons an order of the city to the amount of the debt allowed: *provided*, the said common council shall in no case allow any such debt if such allowance will cause the whole amount of orders so issued, to exceed the amount of tax which may be levied and collected under the provisions hereof, to meet the current expenses of such ward for the current year, assuming as a basis the tax list of such year, if made out, and if not, then the tax list of the preceding year.

Ward debts not to exceed tax for current expenses.

SECTION 9. No alderman of any ward shall contract debts against such ward in any one year to an amount greater than the amount of tax which under the provisions of this act may be levied in such ward to meet the current expenses of the year, and if any alderman shall so contract debts to a greater amount than such tax, neither such ward nor the city shall be liable for the same, but the alderman so contracting shall be liable therefor, as if the debt had been contracted by him personally.

Suits etc., to be continued.

SECTION 10. All suits, complaints, actions or other proceedings pending before any court in which the said city of Green Bay or said borough of Fort Howard is in any manner interested or a party, shall continue to be proceeded in and decided in the same manner and with like effect as if this act had not been passed.

Treasurer's fees for collection of taxes.

SECTION 11. The treasurer shall be entitled to receive and collect as fees for the collection of taxes, two per cent. upon all taxes collected by or paid to him prior

to the second Monday of January in each year, and five per cent. upon all taxes or assessments paid to or collected by him after the said second Monday of January, and in case of a distress and sale made by him of goods and chattels for the payment of any tax, he shall be entitled to receive such fees as are allowed constables on sales of goods upon execution; for each certificate by him issued on sales of lands for payment of taxes or assessments, ten cents, to be added to the amount of such tax or assessment, and included in such certificate; for each lot redeemed for which he shall issue a certificate, twenty-five cents, and five cents for each additional lot embraced in such certificate, to be paid by the person redeeming; for each tax deed executed by him, one dollar, and five cents for each additional lot or tract embraced in the same deed, to be paid by the person receiving the same; the city treasurer shall collect the fees hereinbefore prescribed, and shall keep in a book to be printed [provided] for that purpose, a true account and statement of all fees by him received as city treasurer, from any source whatever, and when the amount thereof shall reach the sum of fifteen hundred dollars, which sum is hereby intended to be the compensation of said treasurer, all sums received by him over and above that amount shall be paid by him into the general funds of said city, and such book shall be open at all reasonable times to the inspection of any person; and the city treasurer shall, when required, make report to the common council, duly certified on oath, of all fees or other moneys, received by him as treasurer, and he shall receive no other or further compensation for his services as treasurer, than as hereinbefore provided, except that the common council shall provide him all necessary books, blanks and stationery requisite to the discharge of his duty.

For sale of property.

For certificate of sale.

For certificate of redemption.

For tax deed.

Shall keep account of fees received.

Shall make report.

Election on question of annexation.

SECTION 12. An election shall be held in the several wards of the borough of Fort Howard, whereat the legal voters of said borough are hereby authorized and empowered to vote upon the question by ballot, whether the said borough of Fort Howard shall be annexed to the city of Green Bay, and if a majority of the said voters shall vote in favor of such annexation, then and thereafter, the said borough of Fort Howard shall be annexed to and become a part of the said city of Green Bay.

SECTION 13. The said election in said borough of Fort Howard shall be held at the places for holding the last general election in the several wards of said borough, on the twenty-third (23) day of March, 1872, and shall be held and conducted by the inspectors of election of the said wards, who shall take the usual oaths and affirmations as prescribed by the general laws of this state, to be taken by the judges and inspectors of elections, and shall have the power to appoint clerks of such election, and to administer the necessary oaths, and in case of the absence of any or all of the said inspectors, at the time for opening the polls, the voters present shall select some legal voter or voters to act in their places as inspectors of such elections. Said election shall be held and conducted in the same manner and under the same penalties, and vacancies in the board of inspectors thereof filled, and the place or places of holding the same adjourned as provided by the laws of this state regarding elections, unless otherwise herein provided. The polls at said elections shall be opened at nine o'clock in the forenoon or as soon therefter as may be, on the day of said election, and shall continue open until seven o'clock, P. M., of said day. On all ballots cast in favor of said annexation, shall be written or printed the words, "for annexation," and on all votes cast against annexation, shall be written or printed the words, "against annexation."

Where, when and how election to be held and conducted.

When polls to be opened.

Form of ballot.

SECTION 14. When the said election shall be closed, the number of votes cast for and against said annexation shall be counted and ascertained, the said inspectors shall make a return thereof, stating therein the number of votes cast for and against said annexation, and shall deliver or cause the said returns to be delivered to the clerk of the said city of Green Bay, within two days after said election, and the common council of the city of Green Bay shall, on or before the third day after such election, meet and canvass said returns and declare the result as it appears from the same, and if the majority of said notes are in favor of such annexation, thereupon the said borough of Fort Howard shall be deemed annexed to the said city of Green Bay, and all acts of the legislature of this state incorporating the borough of Fort Howard, inconsistent with the provisions of this act, shall be deemed repealed.

When and how returns to be made.

But if a majority of said votes shall be cast against such annexation, this act and all the provisions thereof shall be of no force or effect whatever.

Notice of election.

SECTION 15. The sheriff of Brown county shall, five days previous to said election, give notice over his hand to the electors of the said borough, of the time and places of holding said elections, by posting notices thereof in three public places in each ward of said borough, which notices may be written or printed, and shall be substantially in the following form:

Form of notice.

*To the qualified electors of the borough of Fort Howard:*

Notice is hereby given that an election will be held in the first ward of said borough, at ——, and at ——, in the second ward thereof, on the 23d day of March, 1872, at which is to be decided the question of the annexation of the said borough of Fort Howard to the city of Green Bay; on all ballots cast in favor of annexation, shall be written or printed the words, "for annexation," and on all ballots cast against said annexation, shall be written or printed the words, "against annexation." The polls will open at nine o'clock in the forenoon of said day, or as soon thereafter as may be, and shall be kept open until seven o'clock in the afternoon of said day.

Notice of election of ward officers.

SECTION 16. As soon as it is ascertained by the common council of the city of Green Bay that a majority of the votes cast at said election are in favor of said annexation, the said common council shall immediately order the clerk to give at least four days' notice of an election for the officers designated in the fourth and fifth sections of this act.

SECTION 17. This act shall take effect and be in force from and after its passage and publication.

Approved February 28, 1872.

## CHAPTER 12.

[*Published March* 1, 1872.]

AN ACT legalizing the acts of the supervisors of the town of Hixton, in Jackson county, sitting as a board of review.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. The action of the supervisors of the town of Hixton, in Jackson county, sitting as a board of review, on the last Monday of June, 1871, under the provisions of chapter 130 of the general laws of 1868, and of the amendments thereto, is hereby legalized, although the provisions of chapter 166 of the general laws of 1871, entitled "an act to amend section 25 of chapter 130 of the general laws of 1868, entitled 'an act to provide for the assessment of property for taxation, and the levy of taxes thereon,'" may not in all respects have been strictly complied with. Legalized.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved February 28, 1872.

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## CHAPTER 13.

[*Published March* 1, 1872.]

AN ACT to legalize the proceedings of school district number one of the town of Delton, county of Sauk.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. The proceedings of school district number one of the town of Delton, (formerly New Buffalo), county of Sauk, at their annual meetings, held in September, 1870, and in August, 1871, are hereby legalized and declared to be valid, the same as if they had been held on the day prescribed by law. Legalized.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved February 28, 1872.

## CHAPTER 14.

[*Published March* 2, 1872.]

**AN ACT to legalize the proceedings of town meetings held in the towns of West Eau Claire and Oak Grove, in the county of Eau Claire, and to legalize the tax voted thereat.**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

**Legalized.**

SECTION 1. All proceedings of special town meetings, held on the eleventh day of December, 1871, in the towns of West Eau Claire and Oak Grove, in the county of Eau Claire, for the purpose of voting a tax to purchase certain real estate for the purpose of donating the same to the county of Eau Claire to erect county buildings thereon, and the said tax voted thereat, are hereby declared legal and valid for all intents and purposes for which said meetings were held and said tax was voted. And the town treasurers of said towns are hereby authorized, empowered and required to collect and return said tax so voted at said town meetings, in the same manner as the other town taxes of said towns for the year 1871 are required by law to be collected and returned, and the chairman of the board of supervisors and the town clerk of each of said towns are hereby authorized, empowered and required to draw orders on the town treasurers of their respective towns, payable to the owners of said real estate, for the purpose of acquiring the title thereof for the benefit of the said county of Eau Claire, and the said town treasurers shall thereupon pay said orders upon presentation.

**May collect and return tax.**

SECTION 2. This act shall be in force after its passage and publication.

Approved February 28, 1872.

## CHAPTER 15.

[*Published March* 2, 1872.

AN ACT to authorize the city of Fond du Lac to provide for markets and a city hall.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. The common council of the city of Fond du Lac are hereby authorized to purchase for said city, a convenient site or sites for markets and a city hall: *provided*, the whole amount to be expended for such purposes shall not exceed the sum of forty thousand dollars. **May purchase sites.**

SECTION 2. For the payment of any sum which the common council are authorized to expend, by virtue of this act, for the purposes mentioned in the preceding section, the common council are hereby authorized to issue time orders upon the treasurer of said city, payable in one or more years, with such a rate of interest as may be agreed upon, not exceeding that allowed by law: *provided*, that the whole amount of the principal of such time orders payable in any one year shall not exceed the sum of five thousand dollars. **May issue time orders.**

SECTION 3. The common council of the city shall have the authority to annually levy and assess upon the taxable property of said city, a tax not exceeding an amount sufficient to pay the principal and such interest as may become due in such year. **May levy annual tax.**

SECTION 4. This act shall take effect and be in force from and after its passage.

Approved March 1, 1872.

# CHAPTER 16.

[*Published March* 7, 1872.]

AN ACT to incorporate the city of Eau Claire.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

## CHAPTER 1.

### CITY AND WARD BOUNDARIES.

Incorporated.

Name.

General powers

SECTION 1. From and after the third Tuesday of March next, the district of country in the county of Eau Claire, contained within the limits and boundaries hereinafter described, shall be a city by the name of Eau Claire, and the people now inhabiting and those who shall hereafter inhabit the district of country herein described, shall be a municipal corporation by the name of the city of Eau Claire, and shall have the general powers possessed by municipal corporations at common law, and in addition thereto shall possess the powers herein specially granted, and the authorities thereof shall have perpetual succession, shall be capable of contracting and being contracted with, suing and being sued, pleading and being impleaded, in all courts of law and equity, and shall have a common seal and may change and alter the same at pleasure.

Corporate limits.

SECTION 2. The territory lying in the county of Eau Claire and being all of sections 4, 5, 6, 7, 8, 9, 16, 17, 18, 19, 20, 21, 28, 29 and 30, of township 27 north, of range 9 west, and lots 1, 2, 3, 4, 5, 6, 7 and 8, and the east half of northwest quarter of section 25, and east half of section 24, of township number 27 north, of range 10 west, shall comprise the territory and limits of the city of Eau Claire.

Division into wards.

First ward.

Second ward.

SECTION 3. The city shall be divided into six wards, as follows: the first ward shall be all that portion of said city lying north of the Eau Claire river and east of the Chippewa river; the second ward shall be all that portion of said city lying south of the Eau Claire river and east of the Chippewa river, and north of Jones street, and also lot 6, in section 16, and lots 1,

2, 3 and 4 of section 21, and lot 5 in section 20, of town 27, range 9 west; the third ward shall be all that portion of said city lying south of the second ward and east and south of the Chippewa river; the fourth ward shall be all that portion of said city lying west of seventh avenue and south of the present town line between the towns of Oak Grove and West Eau Claire, being the east and west quarter line in sections 19 and 20, in town 27 north, of range 9 west, and west of the Chippewa river; the fifth ward shall be all that portion of said city lying east of seventh avenue and south of the present town line between the towns of Oak Grove and West Eau Claire, being the east and west quarter line in sections 19 and 20, township 27 north, of range 9 west, and west and north of the Chippewa river; the sixth ward shall constitute all that portion of said city lying west of the Chippewa river and north of the present town line between the towns of Oak Grove and West Eau Claire, being the east and west quarter line in sections 19 and 20, township 27 north, of range 9 west.

Third ward.

Fourth ward.

Fifth ward.

Sixth ward.

SECTION 4. The corporate authority of said city shall be vested in one principal officer, styled the mayor, in one board of aldermen, consisting of two members from each ward, who, with the mayor, shall be denominated the common council, together with such other officers as are hereinafter mentioned or may be created under this act.

Corporate authority, how vested.

## CHAPTER 2.

### ELECTIONS.

SECTION 1. The municipal government of the city shall consist of a common council, composed of the mayor and two aldermen from each ward. The other officers shall consist of city clerk, city treasurer, city attorney, city surveyor, chief of police, street commissioner, two assessors, one police justice for the city at large, who shall be ineligible to hold any other office, one justice of the peace for each ward, one chief engineer of the fire department, and such other officers and agents as may be provided for by this act and such as the common council may from time to time appoint. The elective officers of said city shall be a mayor,

Municipal government, of what to consist.

treasurer, two aldermen from each ward, police justice for the city at large, and one justice of the peace for each ward. All other officers necessary for the proper management of the affairs of said city shall, unless herein otherwise provided, be appointed by the mayor, by and with the consent of the common council. All elective officers except mayor and treasurer shall, unless otherwise provided, hold their respective offices two years, and until their successors are elected and qualified. The mayor and treasurer shall hold their respective offices for one year and until their successors are elected and qualified: *provided*, that at the first charter election in said city, there shall be elected one alderman from each ward for one year, and one alderman from each ward for two years, one of whom shall be designated supervisor, and shall represent his ward on the county board of supervisors; *and provided further*, that the aldermen and justices of the peace shall be residents and qualified voters in, and be elected by their respective wards, and the mayor, treasurer and police justice shall be residents and qualified voters in said city.

**Term of elective officers.**

**When elections to be held and how conducted.**

SECTION 2. The qualified voters of the city of Eau Claire shall hold an election on the first Tuesday of April in each year, after the first, for the election of city and ward officers. Said election shall be held in the several wards, for the officers herein designated, and shall be presided over by the aldermen and justice of the peace, in the respective wards, or in case of their absence or disability, the voters present at the hour of opening the polls shall elect *viva voce*, a sufficient number of inspectors to make three with the alderman or aldermen, or said justice present, who shall be sworn in accordance with the laws of this state. Such inspectors shall appoint two clerks of the election, who, before entering upon the discharge of their duties, as such clerks, shall also be severally sworn in accordance with the laws of this state, and such inspectors shall see the names of the voters registered, and the ballots safely deposited in the ballot-box; shall decide all questions that may arise as to the legality of the votes presented; shall count the ballots at the close of the polls, and shall certify and seal two returns, and the day following the election, shall direct and return one of the said returns to the city clerk of the

**Board of inspectors.**

city of Eau Claire, the other to the county clerk for the county of Eau Claire. The mayor of the city and such members of the common council as shall hold over, shall constitute a board of canvassers, who shall, within five days after such election, meet at the common council chamber, and canvass such returns, and after the aforesaid returns have been canvassed by said board, the mayor shall notify, by a certificate, the persons elected to the respective offices. The polls shall be kept open in the respective wards from nine o'clock in the forenoon, until five o'clock in the afternoon. Said elections shall be conducted in accordance with this act, and of the existing laws of the state of Wisconsin, and any frauds or violation of said laws at such elections shall be punishable in the same manner as any violation of the election laws in any part of the state.

Board of canvassers.

SECTION 3. In the event of a vacancy in the office of mayor, police justice or alderman, by death, removal or other disability, the common council shall order a new election, and shall give five days' notice thereof. Any vacancy in other offices shall be filled by the common council. The person appointed or elected to fill a vacancy shall hold his office and discharge the duties thereof for the unexpired term, with the same rights and subject to the same liabilities as the person whose office he may be elected or appointed to fill.

How vacancies filled.

SECTION 4. All elections by the people shall be by ballot, and plurality of votes shall constitute an election. All elections by the council shall be *viva voce*. When two or more candidates for an elective office shall receive an equal number of votes for the same office, the election shall be determined by the casting of lots in the presence of the council, at such time and in such manner as they may direct.

Elections by ballot, viva voce and tie vote.

SECTION 5. All persons who are qualified electors of the state of Wisconsin, and who shall reside in the city one year next preceding any election of the city of Eau Claire, and in the ward where they offer their vote thirty days next preceding such election, shall be deemed qualified electors of said city and ward.

Qualified electors.

SECTION 6. If either of the inspectors of election or aldermen shall suspect that any person offering to vote, does not possess the necessary qualifications of an elector, or if such vote be challenged by an elector, the inspector or aldermen, before receiving any such vote,

Challenge of votes.

shall require the voter offering his vote to take the following oath: "You do solemnly swear (or affirm, as the case may be) that you are twenty-one years of age; that you are a citizen of the United States (or have declared your intentions to become a citizen, conformably to the laws of the United States on the subject of naturalization); that you have resided in the state of Wisconsin one year next preceding this election, and that you have resided in the city of Eau Claire one year last past, and within this ward thirty days next preceding this election, and that you have not voted at this election, and that you have made no bet or wager depending on the result of this election." And if the person offering to vote shall take such oath, his vote shall be received; and if such person shall take such oath falsely, he shall be deemed guilty of willful and corrupt perjury, and upon conviction thereof, shall suffer the punishment provided by law for persons guilty of perjury. If any person, not a qualified voter, shall vote at any election, or if any person, duly qualified, shall vote in any other ward than the one in which he resides, or shall vote more than once at any election, he shall be deemed guilty of a misdemeanor, and on conviction thereof, shall forfeit and pay a sum not exceeding one hundred dollars, nor less than twenty-five dollars. It shall be the duty of the inspectors to keep a list of the names of all persons whose votes may be challenged as aforesaid, and shall swear in their votes. And if any inspector or alderman shall knowingly and corruptly receive the vote of any person not authorized to vote, or shall make out false returns of any election, or if any clerk shall not write down the name of every voter as he votes, or shall willfully make untrue and incorrect counts and tallies of votes, each and every inspector or clerk shall be liable to prosecution, and on conviction thereof, shall severally forfeit and pay a sum not exceeding five hundred dollars, nor less than one hundred dollars. All such prosecutions shall be tried in the circuit court for the county of Eau Claire.

Form of oath.

Penalty for false oath.

For illegal voting.

Inspectors to keep list of challenges.

Penalty for receiving illegal votes, and for false tally.

Special elections.

SECTION 7. Special elections to fill vacancies or for any other purpose, shall be held and conducted by the aldermen and justice of the peace of each ward as inspectors, as provided by this act, and returns thereof shall be made in the same time, manner and form as of general or annual elections.

SECTION 8. There shall be elected annually, (after the first election), on the first Tuesday in April, one alderman in each ward who shall hold his office for two years. **Election of aldermen for two years.**

SECTION 9. Any officer removing from the city, and any ward officer removing from the ward for which he was elected, and any officer who shall neglect or refuse to qualify on or before the second Tuesday of April next, after his election, shall be deemed to have vacated his office, and the common council shall proceed to fill such vacancy as herein provided. All officers appointed or elected to fill any vacancy shall enter upon the duties of such office immediately after receiving notice of such election or appointment. **When offices deemed vacant.**

SECTION 10. The term of every officer elected under this law shall, after the first election, commence on the second Tuesday of April of the year for which he was elected, and shall, unless hereafter or heretofore otherwise provided, continue for one year, and until his successor is elected and qualified. And each of said officers shall have such powers, and perform such duties as are prescribed in this act, or as may be prescribed in any ordinance of said city not inconsistent with this act, or which may not be incompatible with the nature of their respective offices. **When terms of office to commence.** **Powers and duties of officers**

SECTION 11. Should there be a failure by the people to elect any officer herein required to be elected on the day designated, the common council may order a new election to be held, ten days' notice of the time and place of holding the election being first given, and said elections shall be conducted in all respects, so far as practicable, in the same manner as annual elections are herein provided for. **On failure to elect, new election to be held.**

SECTION 12. The chairman of each of the town boards of the towns of Eau Claire, North Eau Claire, West Eau Claire and Oak Grove, and the president of each of the villages of Eau Claire, and Eau Claire City, or a majority of them, at a meeting which shall be held by them, on the tenth day of March, A. D. 1872, appoint a place in each ward, for holding the first election of officers in said city, and shall appoint three inspectors and one clerk of election in each ward, and give notice of such election, stating the places where the same shall be held, and the names of the persons so appointed, at least four days previous to such election, **Chairmen of town boards to fix place of first election, and appoint inspectors.**

by publishing the same in the newspapers printed within the limits of said city; such inspectors shall at such first election, have the powers and duties conferred by this chapter on the aldermen and justices of the peace of each ward, acting as inspectors of election; said election shall be held at the same time of day, and conducted in the same manner as the annual elections, provided for in this act, so far as practicable, and when the first election under this act shall be closed, the number of votes for each candidate or person voted for, shall be counted and ascertained by said inspectors, who shall make return thereof, stating the number of votes for each person, for each and every office, and shall deliver or cause to be delivered, such returns to the county clerk of Eau Claire county, within two days after such election; within five days after such election, the county clerk, chairman of the county board of supervisors and register of deeds of said county, shall meet and canvass the said returns, and determine who shall have been properly elected officers of said city and ward, and shall cause such determination to be published in the newspapers printed in said city limits, and shall notify each of the officers of his election to his respective office, and the persons so elected shall hold their respective offices until the first Tuesday in April, A. D. 1873, and until their successors are elected and qualified.

When election to be held and how conducted.

When first election to be held.

SECTION 13. The first election of officers under the provisions of this act shall be held on the third Tuesday of March, A. D. 1872.

## CHAPTER 3.

### OFFICERS—THEIR POWERS AND DUTIES.

All officers to take oath.

SECTION 1. Every person elected or appointed to any office under this act shall, before he enters upon the duties of his office, take and subscribe an oath of office and file the same, duly certified by the officer taking the same with the city clerk; and the treasurer, chief of police, street superintendent, police justice and justices of the peace, and such other officers as the common council may direct, shall severally, before they enter upon the duties of their respective offices, execute to the city of Eau Claire a bond, in such sum and with such security and such conditions as the common

What officers to execute bonds.

council may direct; and the common council may from time to time require new or additional bonds, and remove from office any officer refusing or neglecting to give the same.

Duties of the mayor.

SECTION 2. The mayor, when present, shall preside over the meetings of the common council, and shall take care that the laws of the state and ordinances of the city within the corporation are duly enforced and observed, and that all officers of the city discharge their respective duties. He shall also appoint a chief of police and such further number of policemen as the common council at any regular meeting may authorize, which appointments shall be approved by the common council before they shall enter upon the duties of their office, and the compensation of the chief of police shall not exceed two dollars and fifty cents per day, to be determined by the common council; and the said policemen for the respective wards shall receive the fees allowed by law to constables for the same services, and in addition may be paid such compensation for extra services ordered by the mayor or common council, not exceeding one dollar per day, as the common council may determine. The mayor may also appoint as many special or temporary police on election days, or other public or unusual occasions, as he may think proper, but no such special or temporary police shall be paid any compensation for his services out of the city treasury, unless otherwise ordered by a vote of three-fourths of all the members of the common council. The common council may by ordinance prescribe the powers and duties of the police and [other] peace officers. The mayor shall communicate in writing to the common council, once a year, such information as he may deem necessary, and at all times give such information as the common council may require.

President of the council—his election and duties.

SECTION 3. At the first meeting of the common council in each year, or as soon thereafter as may be, they shall proceed to elect by ballot, one of their number president, and in the absence of the mayor, the said president shall preside over the meetings of the common council, and during the absence of the mayor from the city, or his inability, from any cause, to discharge the duties of his office, the president shall exercise all the powers and discharge all the duties of mayor. In case the mayor and president shall be ab-

sent from any meeting of the common council, they shall proceed to elect a temporary presiding officer who, for the time being, shall discharge the duties of mayor. The president, or temporary presiding officer, while presiding over the council, or performing the duties of mayor, shall be styled acting mayor, and acts performed by them shall have the same force and validity as if performed by the mayor. But the president of the council, as acting mayor shall sign no order, warrant or other proceeding whatever which the mayor has refused to sign, and communicated such refusal to the council.

Duties of the city clerk.

SECTION 4. The common council shall elect a city clerk. He shall keep the corporate seal, and all the papers and records of the city. He shall attend the meetings, and keep a record of the proceedings of the common council. The records of the common council kept by him, shall be evidence in all legal proceedings, and copies of all papers filed in his office, and transcripts from the records, certified by him under the corporate seal, shall be evidence in like manner as if the original were produced. He shall keep a full and accurate account of all certificates of appropriations and orders drawn on the city treasurer, in a book provided for that purpose, and shall also keep an accurate account with the treasurer, and charge him with all the tax lists delivered to him for collection, and all sums of money paid into the treasury. Whenever the clerk shall be absent from any meeting, the city council may appoint a clerk *pro tem.* The city clerk shall have power and authority to administer oaths and affirmations, and take acknowledgments of deeds and other instruments.

Of the treasurer

SECTION 5. The treasurer shall receive all moneys belonging to the city, and keep an accurate and detailed account thereof, together with an account of all disbursements, in such manner as the common council shall direct. He shall report to the common council as often as required, and annually at least ten days before the annual election, a full and detailed account of all receipts and expenditures after the date of the last annual report, and also of the state of the treasury, which statement shall be filed with the clerk.

Of the city attorney.

SECTION 6. The city attorney shall conduct all law business of said city, and the departments thereof and

all other business in which the city shall be interested; when so ordered by the common council, he shall furnish written opinions upon subjects submitted to him by the mayor or council, or any department of the corporation. It shall also be his duty to draft all ordinances, bonds, contracts, leases, conveyances and such other instruments in writing as may be ordered by the common council, and to perform such other duties as may be prescribed by the ordinances of the city, or by any resolution of the common council.

**Powers and duties of the chief of police.**

SECTION 7. The chief of police shall perform such duties as shall be prescribed by ordinance for the preservation of the public peace, and the collection of fines and license moneys. He shall possess the powers of a constable at common law, or by the laws of the state, and receive like fees, but shall not serve civil process in any case, unless the city is a party, nor shall he receive any fees for serving any process, making any arrest or performing any duties from the city of Eau Claire, except his per diem, hereinbefore provided for, nor shall he go beyond the city limits to make arrests or to serve any process, unless the cause for making such arrest or for issuing such process arose within the city; the said policemen of each ward shall be under the control and direction of the mayor and chief of police, and shall have all the powers, and shall perform all the duties of a constable under the laws of the state of Wisconsin.

**Council may require other and further duties.**

SECTION 8. The common council shall have power from time to time to require other and further duties to be performed by any officer whose duties are herein prescribed, and to appoint such other officers as may be necessary to carry into effect the provisions of this act, and to prescribe their duties, and to fix the compensation of all officers elected or appointed by them, such compensation to be fixed by resolution at the time the office is created, or at the commencement of the year, and shall not be increased or diminished during the term such officer shall remain in office.

**Shall choose official newspaper.**

SECTION 9. The common council shall, at their first meeting, or as soon thereafter as may be, and annually thereafter, designate a newspaper, printed and published in the city of Eau Claire, to publish all ordinances and by-laws, and to do all other printing under the provisions of this act, but in no case shall the

assessor for each of said districts, who shall hold their respective offices for the term of one year, and until their successors are elected and qualified.

Duties of assessors.

SECTION 16. The assessors so elected shall assess all the taxable property of their said districts as required by law, and each shall complete and return his assessment roll to the common council on or before the first Monday in July in each year. During the last week of the month of June in each year, the assessors shall attend at the common council chamber for the purpose of hearing the complaints of persons who may feel themselves aggrieved by such assessments, and shall make such alterations and amendments thereto as justice and equity may require. The assessors shall receive for their services such compensation as the common council may determine, not exceeding the sum of two hundred dollars each for the term for which they were elected. The said assessors, together with the mayor, or in his absence or disability, the president, city clerk and city treasurer, shall constitute a city board of equalizers, and they shall meet at the office of the city clerk of said city on or before the third Monday of July in each year, and proceed to equalize the said several assessments in the same manner in all respects as town boards of equalizers are now authorized by law to do.

Their compensation.

Board of equalizers.

Duties of street superintendent

SECTION 17. The superintendent of streets shall perform the duties, and, under the restrictions and for the compensation prescribed in section six of chapter six of this act, and such other duties as may be required of him by this act and the ordinances of the common council of said city, not inconsistent with this act.

Of the city surveyor.

SECTION 18. The city surveyor shall be a practical surveyor and engineer. He shall keep his office at some convenient place within said city, and the common council shall prescribe the duties and fix the fee and compensation for any service performed by him. All surveys, profiles, plans and estimates made by him for the city shall be property of the city, and shall be carefully preserved in the office of the surveyor, open to the inspection of the parties interested, and the same, together with the books and papers appertaining to said office, shall be delivered over by the surveyor at the expiration of his term of office to his successor or to the comman council.

## CHAPTER 4.

### THE COMMON COUNCIL—ITS GENERAL POWERS AND DUTIES.

**The common council and style of ordinances.**

SECTION 1. The mayor and aldermen shall constitute the common council, and the style of all ordinances shall be, "the common council of the city of Eas Claire, do ordain," etc. The common council shall meet at such time and place as they by resolution shall direct. A majority of the aldermen shall constitute a quorum.

**Regular and special meetings.**

SECTION 2. The common council shall hold stated meetings and the mayor may call special meetings by notice to each of the members, to be served personally, or left at their usual places of abode. The common council shall determine the rules of its own proceedings, and be judge of the election and qualification of its own members, and have power to compel the attendance of absent members, and to enforce its rules, to punish by fine and imprisonment, by a vote of two thirds of its members, any member for disorderly or contemptuous conduct, and by a vote of two thirds of its members may expel any member for cause.

**Rules of proceedings and qualification of members.**

**Special powers of the council.**

SECTION 3. The common council shall have the control and management of the finances and of all property of the city; and shall likewise, in addition to the powers herein vested in them, have full power to make, enact, ordain, establish, publish, enforce, alter, modify, amend and repeal all such ordinances, rules and by-laws for the government and good order of the city, for the suppression of vice and immorality, for the prevention of crime, and for the benefit of trade, commerce and health, as they shall deem expedient, declaring and imposing penalties, and to enforce the same against any person or persons who may violate any of the provisions of such ordinance, rule or by-law, and such ordinances, rules and by-laws are hereby declared to be and have the force of law: *provided*, they are not repugnant to the constitution and laws of the United States or of this state; and for these purposes shall have authority, by ordinances, resolutions or by-laws:

**To grant licenses.**

1st. To license and regulate the exhibition of common showmen or shows of any kind, or the exhibition

of caravans, circuses or theatrical performances, billiard tables, bagatelle tables, pigeonhole tables, bowling saloons, etc., and to provide for the abatement and removal of nuisances, under the ordinances or at common law; and to grant licenses for selling spirituous, vinous or fermented liquors, and to regulate and license groceries, taverns, victualing houses, and all persons vending or dealing in spirituous, vinous or fermented liquors, and to revoke the same for a violation thereof: *provided*, that the sum to be paid for any such license shall not be less than the amount fixed and provided by the laws of the state, and that no license shall be granted for a less time than one year from the date of filing the application for such license in the office of the city clerk; and in case the person so applying for a license shall have a former license within the year next preceding such application, then such license shall be granted for the term of one year from the date of the expiration of such former license.

Prohibit gaming.

2d. To restrain and prohibit all descriptions of gaming and fraudulent devices and practices, and all playing of cards, dice or other games of chance, for the purpose of gaming in said city, and to restrain any person from vending, giving or dealing in spirituous or vinous liquors, unless duly licensed by the common council.

Prevent riots, etc.

3d. To prevent any riots, noise, disturbance or disorderly assemblages, suppress and restrain disorderly houses or groceries, or houses of ill-fame, and to authorize the destruction of all instruments used for the purpose of gaming.

The cleansing of nauseous places.

4th. To compel the owner or occupant of any grocery, tannery, stable, barn, privy, sewer, cellar, tallow-chandler's shop, soap factory, or other unwholesome or nauseous house or place, to cleanse, remove or abate the same from time to time, as often as it may be deemed necessary for the health, comfort and convenience of the inhabitants of said city.

Location of slaughter houses, etc.

5th. To direct the location and management of slaughter houses and markets, and to prevent the erection, use or occupation of the same, and to establish rates for and license venders of gunpowder, and regulate the storage, keeping and conveying of the same or other combustable materials.

6th. To provide for the making, grading, improving and repairing of the streets of the city of Eau Claire, and to make such other necessary public improvements as shall be deemed necessary and proper, and for the general benefit, health and welfare of the inhabitants thereof, and to provide for the making, constructing and repairing of gutters and sidewalks in said city, and to prevent the encumbering of the streets, sidewalks, lanes, highways and alleys with carriages, sleighs, boxes, lumber, firewood or other materials or substances whatsoever. **Making and grading of streets.**

7th. To prevent horse racing, immoderate riding or driving in the streets or on the bridges within said city, and to regulate the places of bathing and swimming in the waters within said city limits. **Prevent horse racing.**

8th. To restrain the running at large of dogs, and to authorize the destruction of the same in a summary manner, when at large contrary to the ordinances of said city. **Restrain dogs.**

9th. To restrain the running at large of horses, cattle, swine, sheep, poultry and geese, and to authorize the distraining, impounding and sale of the same. **Cattle.**

10th. To prevent persons from bringing, depositing or having within said city, or placing in the waters within or adjacent to the said city, any putrid carcass or other unwholesome or nauseous substances, and to require the removal of the same by any person who shall have upon his premises any such substance, or putrid or unsound beef, pork, hides or skins of any kind, or on default to authorize the removal thereof, by some competent officer, at the expense of such person or persons. **Prevent the deposit of putrid carcasses.**

11th. To make and establish public pounds, pumps, wells, cisterns and reservoirs, and to provide for the erection of water-works for the supply of water to the inhabitants of the city, to regulate and to license hacks, cabs, drays, carts, and the charges of hackmen, draymen, cartmen and cabmen in the city, and to erect lamps and provide for lighting the streets, public grounds and public highways, with gas or otherwise. **Public pounds, pumps, etc.**

12th. To establish and regulate boards of health, provide hospitals and cemetery grounds, regulate the burial of the dead and the return of the bills of mortality, and to exempt burial grounds set apart for the public use, from taxation. **Boards of health.**

Weight of bread.

13th. To establish the size and weight of bread, and to provide for the seizure and forfeiture of bread baked contrary thereto.

Driving on sidewalks.

14th. To prevent all persons riding or driving any horse, mule, cattle or other animals on the sidewalks in said city, or in any way doing damages to said sidewalks.

Shooting off firearms.

15th. To prevent shooting off firearms or crackers, and to prevent the exhibition of fireworks in any situation which may be considered by the council dangerous to the city or any property therein, or annoying to the citizens thereof.

Restrain drunkards.

16th. To restrain drunkards, immoderate drinking or obscenity in the streets or public places, and to provide for arresting, removing and punishing any person or persons who may be guilty of the same.

Runners, etc.

17th. To restrain and regulate runners and solicitors for boats, vessels, stages, cars, public houses and other establishments.

Make rules.

18th. To make rules and ordinances for the government and regulation of the police of the city.

Public markets.

19th. To establish public markets and make rules and regulations for the government of the same; to appoint suitable officers for overseeing and regulating such markets, and to punish or restrain all persons for interrupting or interfering with the due observance of such rules and regulations; to license and regulate butcher stalls, shops and stands for the sale of game, poultry, meats, fish and other articles.

Hay and wood market.

20th. To regulate the place or places and manner of weighing and selling hay and measuring and selling fuel, lime and other gross commodities, and to appoint suitable persons to superintend and conduct the same.

Removal of obstructions on sidewalks.

21st. To compel the owners of buildings or grounds, or the occupants, where the same are occupied, to remove snow, dirt or rubbish from the sidewalks, street or alley opposite thereto, and to compel such owner or occupant to remove from such lot owned or occupied by him all such substances as the board of health shall direct, and in default, to authorize the removal or destruction of the objectionable substances by some officer of the city, at the expense of such owner or occupant.

Infectious diseases.

22d. To regulate, prevent and control the landing of persons from boats, cars and stages, or other conveyances, wherein are contagious or infectious diseases

or disorders, and to make such disposition of such persons as to preserve the health of the city.

23d. To regulate the time and manner of holding public auctions and vendues. Auctions, etc.

24th. To appoint watchmen and prescribe their duties. Watchmen.

25th. To provide by ordinance for a standard of weights and measures, and for the punishment of any person using or keeping for use any false weights or measures. Weights and measures.

26th. The common council shall have jurisdiction over the entire waters within the city, so as to prevent any deterioration of the waters, or any nuisance being cast therein, by which the health of the inhabitants of the city or the purity of the water shall be impaired, or for any other purpose authorized in this act. Jurisdiction over waters.

27th. The common council shall have power to require the owner of any lot or grounds in the city to set out ornamental trees in the street or streets fronting on the same, and in default thereof to cause the same to be done, and to levy a special tax upon such lot or grounds to pay the expenses of the same. Set out trees and shrubbery.

SECTION 4. No appropriation shall be made, nor shall any debt be created or liability incurred against the city, except by a vote of a majority of all the members of the council; and all laws, ordinances, rules and resolutions shall be passed by an affirmative vote of a majority of all the members of the common council; and all ordinances, before the same shall be in force, shall be signed by the mayor; and all resolutions or measures for the appropriation of money, whereby a debt shall be created against or a liability incurred by the city, shall be approved by the mayor before the same be in force: *provided*, that in case the mayor shall refuse to sign any ordinance or any certificate of the appropriation of money, or shall refuse to approve any resolution or by-law creating a debt or establishing a liability against the city, eight aldermen voting in the affirmative shall have power to repass such ordinance, resolution, by-law or certificate, notwithstanding the objections of the mayor; and all ordinances shall be published in a public newspaper printed in the city of Eau Claire, to be selected by the common council, before the same shall be in force; and within fifteen days after publication, such publication being duly proved

Appropriations authorized only by majority of whole council.

Approval by mayor.

Publication of ordinances.

by the affidavit of the printer or foreman of the printers of such newspaper, the city clerk shall record such ordinance and affidavit in a book provided for that purpose, and such affidavit shall be *prima facie* evidence of such publication.

Powers of council not a bar to proceedings in courts.

SECTION 5. The power conferred upon the said common council to provide for the abatement or removal of nuisances, shall not bar or hinder suits, prosecutions or proceedings in the courts according to law.

Common nuisances defined.

Gambling houses, houses of ill-fame, disorderly taverns or houses, or places where spirituous, vinous or fermented liquors are sold without the license required therefor, houses or buildings of any kind wherein more than twenty-five pounds of gunpowder are deposited, stored or kept at any one time, except as permitted by license, are hereby declared and shall be deemed public or common nuisances.

Examination and adjustment of accounts.

SECTION 6. The common council shall examine, audit and adjust the accounts of the clerk, treasurer, chief of police, street superintendent and all other officers or agents of the city, at such time as they may deem proper, and also at the end of each year and before the term for which the officers of said city are elected or appointed shall have expired. And the common council shall require each and every such officer or agent to exhibit his books, accounts and vouchers for such examination and settlement, and if any such officer or agent shall refuse to comply with the orders of the council in the discharge of their said duties, in pursuance of this section, or shall neglect or refuse to render his accounts or present his books and vouchers to said council, it shall be the duty of the common council to declare the office of such person vacant; and the common council shall order suits and proceedings at law against any officer or agent of said city who may be delinquent or defaulting in his accounts or in the discharge of his official duties, and shall make a full record of all such settlements; and the common council shall have power, by an affirmative vote of two thirds of its members, upon reasonable notice, for cause, to remove from office any officer of the city elected by the common council, or whose appointment shall have been confirmed by it.

## CHAPTER 5.

### OPENING OF STREETS, ALLEYS, ETC.

SECTION 1. The common council shall have power to lay out public squares, grounds, streets and alleys, and to widen the same, and to make all necessary and proper improvements within the limits of said city as follows: whenever ten or more freeholders, residing in any one ward shall, by petition, represent to the common council that it is necessary to take certain lands within the ward where such petitioners may reside, for the public use, for the purpose of laying out public squares, grounds, streets or alleys, or the enlarging [illegible] widening of the same, or for other public im[illegible] or ments, the courses and distances, metes and [illegible] prove- the lands proposed to be taken, together[illegible] bounds of and residence of the owners of s[illegible] with the names same shall be known to the pe[illegible] such premises, if the in such petition, the comm[illegible] tioners, to be set forth cause notice of such [illegible] on council shall thereupon cupant or occupa[illegible] application to be given to the occupants, owner or owners of such land, or if a portion [illegible] such lands shall not be in the actual occupation of any person, and the owner or owners are non-residents of the said city, then the common council shall cause such notice, describing as near as may be, the premises proposed to be taken, to be published in the official paper for four weeks, at least once in each week. Opening of streets, etc. Notice of application.

SECTION 2. Such notice shall state that on a certain day, therein to be named, not less than ten days from the service of such notice, or the expiration of such publication, as the case may be, application will be made to the judge of the circuit or county court of Eau Claire county, for the appointment of twelve jurors to view said premises, and to determine whether it will be necessary or expedient to take the same for the purposes specified in such petition. Contents of the notice.

SECTION 3. Upon the presentation of such application, and upon proof of the publication or service of the notice herein required, the said judge shall thereupon appoint twelve respectable freeholders, residents of the city, but not residents of the ward in which such premises may lie, nor interested in such application. The said judge shall thereupon issue his precept, di- Appointment of jurors to view premises.

rected to said jurors, requiring them within thirty days to view said premises to be specified in said precept, and to make return under their hands to the common council whether, in their judgment, it is necessary to take said premises for the purpose specified in such application.

If disqualified judge to appoint substitutes.

SECTION 4. If any of the jurors so appointed shall be disqualified from acting, or shall refuse to act, the judge shall appoint others in their places, and a memorandum of such substitution shall be endorsed upon the precept.

Viewing of premises.

SECTION 5. The said jurors, at such time as they [illegible] agree upon, shall proceed in a body to view the may [illegible] in question, and shall hear such testimony as premises [illegible] by any party interested, which testi- may be offer[illegible] ced to writing by one of the jurors; mony shall be re[illegible] shall be authorized to administer the necessary oaths to [illegible] witnesses. and either of the juro[illegible]

Report of proceedings.

SECTION 6. After viewing t[illegible] premises and hearing such testimony as may be offered, th[illegible] jurors shall make a report of their proceedings, which sha[illegible] be signed by them respectively, and which shall state [illegible] whether, in their judgment, it is necessary to take the premises in question for the public use, which said report, testimony and precept shall be returned to the common council within the time limited therein.

Confirmation of report and review of premises.

SECTION 7. Should the jurors report that it is necessary to take such premises, the common council shall enter an order among their proceedings confirming said report, and directing the same jurors, within one month thereafter, or such further time as may be deemed proper, to again view said premises, for the purpose of ascertaining and determining the amount of damages to be paid to the owner or owners of the property proposed to be taken, and also what lands and premises will be benefited by such taking, and to assess and return within the time limited, such damages and benefits to the common council.

In case of buildings upon premises.

SECTION 8. If there should be any building standing, in whole or in part, upon the lands to be taken, the jurors, before proceeding to make their assessment, shall first estimate and determine the whole value of such building to the owner, aside from the value of the land, and the injury to him in having such building taken from him; and secondly, the value of such building to remove.

SECTION 9. At least ten days' personal notice of such determination shall be given to the owner or his agent, if known and a resident of the city, or left at his usual place of abode. If not known, or a non-resident, notice to all persons interested shall be given by publication in the official paper three successive weeks; such notice shall specify the building and award of the jurors. It shall also require the parties interested to appear by a day therein named, or give notice of their election to the common council, either to accept the award of the jurors and allow such building to be taken with the land appropriated, or their intention to remove said building at the rate set thereon by the jurors to remove. If the owner shall agree to remove such building, he shall have such time for this purpose as the common council shall allow.

Notice of determination and acceptance of award.

SECTION 10. If the owner refuse to take the building at the value to remove, or fail to give notice of his election as aforesaid, within the time prescribed, the common council shall have power to direct the sale of such building at public auction for cash, giving ten days' notice of such sale. The proceeds shall be paid to the owner, or deposited for him in the city treasury.

Disposal of buildings.

SECTION 11. The said jurors, within the time limited, shall view and examine the premises proposed to be taken, and all such premises as will, in their good judgment, be injured or benefited thereby. After hearing such testimony as may be offered by any party interested,-and which shall be reduced to writing by one of said jurors, they shall proceed to make their assessment, and to determine and appraise to the owner or owners the value of the real estate so proposed to be taken, and the injury arising to them respectively in consequence of the taking thereof, which shall be awarded to such owner or owners respectively as damages, after making due allowance therefrom for any benefit which such owners may respectively derive from such improvement. In the estimate of damages to the land, the jurors shall include the value of the building or buildings, (if the property of the owners of such lands,) as estimated by them as aforesaid, less the proceeds of the sale thereof, or if taken by the owner at the value to remove, in such case, they shall only include the difference between such value and the whole estimated value of such building or buildings.

Examination of premises and taking of testimony.

Jurors to include value of buildings.

Balance between damages and benefits.

SECTION 12. If the damage to any person be greater than the benefit received, or if the benefit be greater than the damages, in either case the jurors shall strike a balance and carry the difference forward to another column, so that the assessment will show what amount is to be received or paid by such owner or owners respectively, and the difference only shall be in any case collected of them or payable to them.

When premises belong to different persons.

SECTION 13. If the lands or buildings belong to different persons, or if the land be subject to lease, judgment or mortgage, or if there be any estate in it less than an estate in fee, the injury done to such person or interest respectively, may be awarded to them by the jurors, less the benefits resulting to them respectively from the proposed improvement.

Apportionment of damages and costs.

SECTION 14. Having ascertained the damages and expenses of the proposed improvement, as aforesaid, the jurors shall thereupon apportion and assess the same, together with the costs of the proceedings, upon the real estate by them deemed benefited, in proportion to the benefits resulting thereto from the proposed improvement as nearly as may be, and shall describe the real estate upon which the assessment may be made.

Return of award to common council.

The award of the said jurors shall be signed by them, and returned together with the testimony taken, to the common council, within the time limited in the order of their appointment, and thereupon, if the common council shall deem it expedient, they may, by ordinance, order such street to be opened or widened, or such improvements to be made, and an assessment made in pursaance of such award; and if the common council shall not deem it expedient to open or widen such street, or to make such improvements, they shall, by resolution, order all further proceedings upon such petition to be discontinued.

Land not to be appropriated till damages are paid.

SECTION 15. The land required to be taken for the purposes mentioned in this act shall not be appropriated until the damages awarded therefor to the owner thereof shall be paid or tendered to the owner or his agent, or in case the said owner or agent cannot be found or is unknown, deposited to his or their credit in some safe place of deposit, under the direction of the judge of the circuit court of Eau Claire county, and then and not before, such lands may be taken and appropriated for the purposes required, and the

same shall thereafter be subject to all the laws and ordinances of the city.

SECTION 16. Whenever any improvement chargeable to the property adjacent thereto shall have been determined upon, the proportion of the costs properly chargeable to each lot, part of lot or parcel of land, subject to contribute to the payment of the same shall be ascertained, and the city clerk shall forthwith issue to each person occupying such premises, liable to contribute, a certificate stating the amount assessed and chargeable to the premises occupied by such person, and the amount so chargeable to any particular lot or parcel of land shall be, from the time it is so ascertained, a lien and charge thereon, and upon no other property; and the said amount shall be entered against such lot or lots in the tax warrant for the year in which the assessment is made, and collected in the same manner as other taxes. The damages assessed shall be paid or tendered or deposited as herein required, within twelve months from the confirmation of such assessments and reports; and if not so paid, tendered or deposited, all the proceedings in such case shall be void. Apportionment of costs of improvements.

SECTION 17. When the whole of any lot or tract of land or other premises, under lease or under contract, shall be taken by virtue of this act, all the covenants, contracts or engagements between landlord and tenant or any other contracting parties, touching the same or any part thereof, shall, upon the confirmation of such report, respectively cease and be absolutely discharged. When premises are under lease or contract, how affected.

SECTION 18. When only a part of a lot or tract of land or other premises so under lease or contract shall be taken for any of the purposes aforesaid, all the covenants, contracts or agreements respectively, the same, upon the confirmation of such report, shall be absolutely discharged as to the part thereof so taken, but shall remain valid as to the residue thereof, and the rents, considerations and payments reserved, payable and to be paid for and in respect to the same, shall be so proportioned that the part thereof justly and equitably payable for such residue thereof and no more, shall be paid or recoverable for in respect to the same. Same when part of lot is under lease.

SECTION 19. When any known owner of lands or tenements affected by any proceedings under this act shall be an infant or labor under any disability, the the judge of the circuit court of Eau Claire county, or If owner labor under disability, how proceed.

in his absence, the judge of any court of record in said county, may upon the application of the common council or such party or his next friend, appoint a guardian for such party, and all notices required by this act shall be served on such guardian.

Appointment of new jurors to fill vacancies.

SECTION 20. After the jurors shall have made their report as to the necessity of taking any lands under this act, and the same shall have been confirmed, the common council shall have power to appoint new jurors, in the place of any who shall neglect or refuse to serve, and the jurors, before entering upon the discharge of their duties, shall severally take an oath before some competent officer, that they are freeholders of said city, and not interested in the premises proposed to be taken, and that they will faithfully and impartially discharge the trusts reposed in them.

May appeal from assessment.

SECTION 21. Any person whose property is taken or against whom any assessment is made, may, within ten days from the return of the said jurors to the common council, appeal from said assessment of damage or benefit, to the circuit court of Eau Claire county, where such appeal shall be tried by the court and jury as in ordinary cases. The common council shall have the same right of appeal. After the award and assessments heretofore provided for shall have been made, and it shall have been found that the amount of such assessments over and above the amount of the awards shall not be sufficient to pay the whole cost of any such contemplated improvement, the amount of such deficiency shall be assessed by the common council upon the city.

Assessment for deficiency.

Survey and profile to be made.

SECTION 22. Whenever any public grounds, street or alley shall be laid out, widened or enlarged, or other public improvements made, under the provisions of this chapter or this act, the common council shall cause an accurate survey and profile thereof to be made and filed in the office of the city surveyor.

## CHAPTER 6.

### IMPROVEMENT OF STREETS AND SIDEWALKS.

Ordinances to be referred to committee.

SECTION 1. Every ordinance, resolution or by-law providing for the repairing, construction or re-construction of any sidewalk or gutter, or for the grading, re-

pairing or improving any street at the expense, in whole or in part, of the owners of the lots or parcels of land abutting or fronting such sidewalk, gutter or street, shall, on being introduced at a meeting of the common council, be referred to some appropriate committee, and any such ordinance, resolution or by-law shall not be passed or adopted sooner than fourteen days after the introduction thereof, nor until ten days after the proceedings of the council had relative thereto, at the meeting when such ordinance, resolution or by-law was introduced, shall have been published in the official newspaper of the said city.

**May establish grade of streets**

SECTION 2. The common council of the city of Eau Claire shall have power to establish the grade of the streets of said city, and to change and re-establish such grade, as they shall deem expedient: *provided*, that whenever they shall change or alter the grade of any street, any person who shall claim to have sustained damages by such change or alteration of grade, shall have his right of action against the city for the recovery of such damages, but no suit shall be commenced against the city therefor, until application has been made to the common council to pay such damages, and said common council shall have refused or neglected for three months to pay or settle the same.

**Duty of street supertntendnet in relation to obstructions, etc.**

SECTION 3. It shall be the duty of the superintendent of streets to see that all the ordinances of the city relating to the obstruction and cleansing of sidewalks, streets, alleys, public grounds, reservoirs, gutters, sewers, waters and water courses in said city are duly observed and kept, and direct and control the persons employed therein. The superintendent of streets shall have a general supervision over all works let by contract for the improvement of streets or sidewalks in said city, unless the common council shall otherwise provide.

**How sidewalks to be constructed.**

SECTION 4. Sidewalks shall be constructed, reconstructed or repaired upon the proper established grade of any street in said city, of such width, in such manner, of such materials and in such time as the common council by ordinance, resolution or order shall direct, by the owner or owners of any lot or piece of ground in front of which said sidewalk shall be ordered. If the owner or owners of any such lot or piece of ground shall not construct such sidewalk as aforesaid, in the manner, of

the material, or at the time, as so directed, the common council may cause the same to be constructed forthwith at the expense of such owner or owners. The contract for the construction of any such sidewalk shall be let to the lowest reasonable, responsible bidder, and notice shall be given by publication in the official paper of the city, for at least three days, of the time, place and manner of receiving such bids. The common council shall levy a special tax upon each lot or piece of ground in front of which any sidewalk shall be constructed by contract, sufficient to pay the cost of constructing the same: *provided*, that no such contract shall be let until twenty days after notice shall have been given to such owner or owners of the ordinance, resolution or order requiring the construction of such sidewalk, by the publication of the same at least five days in the official paper of the city.

To be let by contract.

Levy of special tax.

SECTION 5. The common council shall have power, by a vote of two-thirds of all the members of the common council, to order the building, construction, reconstruction or repair of sidewalks in the city of Eau Claire, in such manner as they may deem proper. The city clerk shall receive all proposals for constructing and repairing sidewalks, and shall open them in the presence of the council, which shall award the contract to the lowest responsible bidder: *provided*, such bid is a reasonable one, subject to such provisions, in case of violation of contract, and to such other particular provisions as the council may prescribe. The proceedings for ordering the repair of sidewalks, and levying and collecting special taxes on the respective lots to pay for the same, shall be the same as herein provided as in case of constructing a new sidewalk, except as otherwise provided in this section. No contractor for building or repairing sidewalks shall receive any pay therefor from the city, under any circumstances, until the tax levied for that purpose shall have been paid to the city or county. Whenever a sidewalk shall be out of repair and so remain for the space of twenty-four hours, which in the opinion of the superintendent of streets, will not cost to exceed the amount of five dollars, in front of any one lot, to repair the same, he shall be authorized, and it is hereby made his duty to cause the same to be immediately repaired; and when the same is completed he shall make out an itemized

May order construction, by two-thirds vote

Award of contract.

When contractor paid.

Temporary repairs—how made.

bill of the cost of such repair, specifying the lot and block or piece or parcel of land in front of which said work was done, verified by his oath, and shall deliver the same to the city clerk, and said clerk shall forthwith present the same to the owner of such lot, piece or parcel of land, if a resident of the city of Eau Claire, for payment; and if the owner of such lot, piece or parcel of land shall refuse or neglect to pay the same for ten days, then the clerk shall report the fact to the council, and the council shall thereupon levy a special tax upon said lot, piece or parcel of land, to pay the same, in the same manner as special taxes are levied for the construction of sidewalks. In case the owner of such lot, piece or parcel of land does not reside in the city of Eau Claire, the said superintendent shall return said account to the common council, with his certificate stating that fact, and the coucil shall thereupon levy a special tax to pay the same, in the manner in this section provided.

Case of non-residents.

SECTION 6. Every male inhabitant of the city of Eau Claire, over twenty-one years of age, and under fifty, except active members of the fire department, shall pay into the city treasury annually, the sum of one dollar and fifty cents each, as a poll tax. It shall be the duty of each of the assessors of the city of Eau Claire, during the month of May, 1872, to make out duplicate lists of all persons liable to said tax in his assessing district of the city of Eau Claire, and said assessor shall, on the first Monday of June, 1872, deliver one of said lists to the city clerk and one to the treasurer of the city of Eau Claire. The said treasurer shall thereupon immediately proceed to collect the same; and all persons liable to pay such tax, who shall not have paid the same after demand, either personal or by written notice left at their usual place of abode, on or before the first day of July, 1872, shall be liable to and shall pay a penalty of two dollars, together with the costs of prosecution, to be prosecuted for by said treasurer in the name of the city of Eau Claire. The process in such case shall be by warrant, and in case judgment shall be rendered against the defendant in such action, and he shall refuse or neglect to pay such judgment, he shall be imprisoned in the county jail not to exceed ten days. The assessors shall also, at the time of assessing the annual taxes in each year after the year

Assessment of poll tax.

Collection of the same.

Shall make out duplicate lists.

1872, make out such duplicate lists of persons liable to pay such tax as aforesaid, and deliver one of the said lists to the city clerk and one to the city treasurer at the time he returns to the city clerk his assessment roll of real and personal property of the city of Eau Claire, and the city treasurer shall collect the same in the same manner as hereinbefore in this section provided, and in case said taxes are not paid to said treasurer, he shall prosecute for them in the manner hereinbefore provided. The said assessor, in making such list, shall designate the ward in which such person on said list resides, and the treasurer shall credit each ward of the city with the amount thus collected from the inhabitants of such ward. The moneys collected as above shall be kept as a distinct fund, and shall be expended under the direction and supervision of the superintendent of streets, on the repair and improvement of streets of the respective wards in which said tax is paid, and to be drawn out on itemized accounts of the street commissioner, certified to by the senior alderman of the ward in which said work is done, and audited by the common council. The mayor, city clerk and treasurer shall constitute a board to determine the liability of persons to pay such tax; and all persons claiming to be exempt from such tax must apply to said board within twenty days from the time when said lists shall be delivered to the treasurer as aforesaid. The city treasurer shall receive the same fees for collecting said tax as he does for collecting taxes assessed upon real and personal property: *provided*, that if any person shall desire to, he shall be permitted to perform one day's work upon the streets of the city, in the ward in which he resides, under the direction of the superintendent of streets, and at such time as he shall direct, within said month of July of each year, and the certificate of the superintendent of streets that such person has performed one full day's labor, shall be received by the city treasurer in full discharge of such tax.

Poll tax to be distinct fund.

Board to determine liabilities.

Treasurer's fees for collecting.

Street superintendent to execute bond, and his general duties.

SECTION 7. The superintendent of streets shall, before entering upon the duties of his office, execute to the city a bond in the penal sum of one thousand dollars, with two sufficient sureties, to be approved by the council, conditioned for the faithful performance of the duties of his office and for such other duties as may be required of him by the council, and for the proper ex-

penditure of the money which may be collected or come into his hands by virtue of his office. He shall have a general supervision of all streets; he shall expend the money realized from the poll tax in each ward, at such places in each ward as he shall see fit; he shall, on or before the first day of September in each year, report to the council in writing, under oath, a true and correct statement of all moneys received by him by virtue of this act, and from whom received, and how, where and when expended, and the said superintendent of streets shall be held strictly responsible for the full and complete execution of this act so far as the same relates to streets, according to the terms thereof, and the council may at any time remove him from office for neglect of duty, and appoint a competent man in his place. The street superintendent shall receive for his services not more than three dollars for each day actually and necessarily occupied by him in the discharge of his duties. The chief of police shall be street superintendent in any year when the common council shall so determine, and shall receive for his services as such superintendent such sum per day as the council shall determine, not exceeding more than one dollar per day.

His compensation.

SECTION 8. The common council of said city shall have power, and may, in its discretion by a vote of two-thirds of all the members, advertise and let to the lowest responsible bidder, whose bid it shall deem reasonable and proper, the construction of any sidewalk or gutter, or the making of improvement on or along any street or highway in said city limits which shall have been ordered, and levy a tax upon each lot or piece of ground in front of which said sidewalk, gutter or improvement shall have been ordered and constructed under such contract, sufficient to pay the costs of constructing the same, without giving notice requiring the owner or owners of such lot or lots or pieces of ground, to construct the same.

May let contract for sidewalk by two-thirds vote.

SECTION 9. The common council of the city of Eau Claire shall have the power, by an affirmative vote of two-thirds of all its members, to order and contract for the making, grading, paving and repairing and cleansing of streets, and parts of streets, alleys, public grounds, reservoirs, gutters and sewers in the manner

For grading streets.

clerk, which shall be in substance in the following form:

Form of warrant.

*To A. B, treasurer of the city of Eau Claire:—*

You are hereby required to collect from the several persons and corporations named in the annexed tax list, and from the owners of real estate described therein, the taxes set opposite to the names of such persons, corporations and property, within the time limited by law, and to apply the taxes by you so collected, and make due returns thereof as required by law.

Dated——day of——, 18—.

——— ———, *Mayor.*
——— ———, *City Clerk.*

How treasurer to collect tax, and return unpaid taxes.

SECTION 19. The city treasurer shall have the same powers, and proceed to collect said taxes, in the same manner as in the collection of general taxes, and in case the said treasurer shall be unable to collect any portion of said tax, he shall, on or before the third Monday in November in each year, make out and deliver to the city clerk of said city, a list of all such unpaid taxes; which list shall contain the name of all persons, corporation or corporations, and the description of all real estate or personal property included in said tax roll, and the amount of such tax against each of such descriptions or items so uncollected; which said list shall be sworn to by said city treasurer, before some officer authorized to administer oaths.

Clerk to place delinquent list upon general tax roll.

SECTION 20. Upon the receipt of such list, the city clerk shall, at the time of making out the general annual tax roll of said city for that year, place in a separate column on said roll, the amount of such delinquent tax against the proper description of real estate and personal property, which shall be collected or returned in the same manner as general taxes are collected or returned by law.

Treasurer to credit wards.

SECTION 21. The city treasurer shall credit each ward in said city with the amount of such highway tax collected by him therein, and all the moneys so collected shall be expended on streets, highways and bridges in the wards where collected, in the manner in this act provided.

## CHAPTER 7.

### FINANCES AND TAXATION.

SECTION 1. All funds in the city treasury, except school, state and county funds, shall be under the control of the common council, and shall be drawn out upon the certificate of the mayor, countersigned by the clerk, duly authorized by a vote of the common council, and in no other manner; and all certificates drawn upon the treasurer shall specify the purpose for which they were drawn, and shall be payable generally out of any funds in the treasury belonging to the city. Control of general fund.

SECTION 2. No debt shall be contracted against the city, or certificates of indebtedness drawn upon the city treasury, unless the same shall be authorized by a majority of all the members of the common council, and the vote authorizing the same shall be entered by ayes and noes upon the journal of the council, and no money shall be appropriated for any purpose whatever, except such as is expressly authorized by this act. How debts authorized.

SECTION 3. All forfeitures and penalties accruing to the city for a violation of this act, or of any of the ordinances, by-laws, rules and regulations of the city, and all moneys received for licenses, shall be paid into the city treasury and become part of the general fund, except as otherwise provided by this act. Fines, etc., to be paid into general fund.

SECTION 4. All property, real or personal, within the city, except such as may be exempt by the laws of the state, shall be subject to annual taxation for the support of the city government and the payment of its debts and liabilities, and the same shall be assessed in the manner hereinafter provided. The assessors elected under this act shall have and possess the same powers that are or may hereafter be conferred upon township assessors, except so far as they may be altered by this act: *provided, however*, that the common council may prescribe the form of assessment rolls, and more fully define the duties of assessors, and make such rules and regulations in relation to revising, altering or perfecting such rolls as they may from time to time deem advisable. What property to be assessed. Powers of assessors.

SECTION 5. The fiscal year of the city of Eau Claire shall commence on the first day of September, on which Fiscal year, and determina-

tion of amount of tax.

day, or within twenty days thereafter, the common council shall, by resolution, determine what amount of money, including the estimated resources of the city not derived from direct taxation for the year then next ensuing, will be required for general city purposes during that year, and the council shall thereupon be empowered to levy, and shall by resolution levy a tax for general city purposes, not exceeding in amount one per centum of the assessed value of real and personal property of the city for that year. The common council shall have power to levy a tax upon the assessment roll, equal in amount to the interest for one year, not otherwise provided for, upon all bonds lawfully issued by the city of Eau Claire; and no such special tax shall be used or applied for any other purpose whatever. No city order of any kind shall be received in payment of school or school house tax, but the same shall be paid in money and shall be paid over by the city treasurer to the treasurer of the several school boards, upon the order of the director and clerk thereof. All resolutions for the purpose of levying a tax shall require for their passage an affirmative vote of two thirds of all the members of the common council.

May assess bonds.

City orders not receivable for school tax.

Assessments to be lien upon property.

SECTION 6. All taxes or assessments, general or special, levied under this act, shall be and remain a lien upon the lands and tenements upon which they may be assessed, and upon all personal property of any person or body politic, assessed for personal taxes, from the date of the warrant for the collection thereof, until such taxes shall be paid; and no sale or transfer of such real or personal property shall affect such lien. Any personal property belonging to the person taxed may be taken and sold for the payment of taxes upon personal property.

Copy of assessment roll to be sent to county clerk.

SECTION 7. Before the annual meeting of the board of supervisors of the county of Eau Claire, and by the time required by the laws of the state for the return of assessments from the several towns, the city clerk shall transmit a copy of the assessment roll to the county clerk of said county, who shall lay the same before said board, at their annual meeting.

City to be regarded as town, by county board

SECTION 8. The board of supervisors shall have the right to regard the city of Eau Claire as a town, in equalizing the assessment rolls of the several towns in said county, as provided by law, but in such equaliza-

tion, shall consider the assessment roll of said city as an entire roll, and shall not change the relative valuation of the different wards.

Ward divisions not to be regarded in assessing county tax.

SECTION 9. The board of supervisors may levy a tax or taxes, as now is or may hereafter be provided by law in relation to towns, but shall proceed therein without regard to the division of the city into wards, and shall cause the amount of taxes so levied to be certified to the city clerk, in the manner provided by law in relation to towns or town clerks; and in all transactions with the board of supervisors of said county, said city shall be regarded as a town, except as herein otherwise provided.

City clerk to make out list.

SECTION 10. Upon receiving the statement of the amount of taxes so levied, the city clerk shall make out upon the assessment roll, in a column left for that purpose, or upon a copy thereof, a complete statement of the several amounts of the taxes levied for the state, county, city or other purposes, and all special taxes levied by the common council since the making out of the last annual tax list, in such separate columns as may be necessary, withthe total footing carried out opposite each tract or lot of land or person named therein; which statement shall be preserved by said clerk as a record in his office, and shall have the same legal force and effect as the records of the common council. The said city clerk may calculate the state, county and city taxes together, and carry the amount thereof into one column, but in such case he shall specify the per centum upon one dollar of valuation of state tax, county tax and city tax, separately, in his warrant to the treasurer for the collection of such taxes.

Tax list to be *prima facie* evidence.

SECTION 11. The tax list made out and preserved as aforesaid, shall be *prima facie* evidence in every court of record of this state, that every act or thing required by law to be done, relating to assessing or levying taxes, from the election of the officers to the completion of the tax list inclusive, has been done regularly, correctly and as required by law.

Shall make out duplicate copy, and append warrant.

SECTION 12. Immediately after making out the tax list aforesaid, the clerk shall make out a duplicate copy thereof, to which shall be appended a warrant signed by the mayor and clerk, and sealed with the corporate seal of said city, directed to the treasurer, requiring and commanding him to collect the taxes and assessments

specified in said duplicate copy of the tax-list, in the manner provided by law; and the said clerk shall, on or before the second Monday of December of the said year, or as soon thereafter as practicable, deliver the same to the city treasurer for collection, and make a record of said delivery on the tax-list preserved in his office.

Treasurer to collect tax.

SECTION 13. The city treasurer, upon the receipt of such duplicate copy of the tax list, shall proceed to collect the same in like manner, and shall have like powers and be subject to like requirements, liabilities and restrictions as town treasurers, except as otherwise provided in this act. The city treasurer shall receive one per centum fees upon all taxes paid to him before the first day of January, and three per centum fees upon all taxes collected after that time, to be added to the amount of taxes, and collected with the same, and two per centum upon all other moneys paid into the treasury, which shall be in full for all services performed by said treasurer under this act or the ordinances of the city.

His fees for collection.

Shall return delinquent list to county treasurer.

SECTION 14. On or before the fifteenth day of February of each year, unless the time be extended as provided by law, the city treasurer shall make out and return to the treasurer of Eau Claire county, a list of all lands, lots and personal property upon which taxes have not been paid, and shall also settle with and pay over all moneys properly payable to said county treasurer in like manner as now is or may hereafter be required of town treasurers; and all the provisions of sections eighty-one to eight-seven, inclusive, of chapter eighteen of the revised statutes, as modified by acts amendatory thereof, shall exend to and may be enforced to collect any delinquent personal property tax, of whatever year, now due to said city.

County treasurer to sell delinquent lands.

SECTION 15. The county treasurer shall sell all delinquent lands and lots returned from the city of Eau Claire, at the same time and in the same manner as other delinquent lands are sold in said county.

Exempt property subject to special taxes.

SECTION 16. All real estate exempt from taxation by the laws of this state shall be subject to all special taxes for the building of sidewalks and improvement of streets in front of the same.

SECTION 17. No error or informality in the proceedings of any of the officers in assessing property, levying or collecting taxes, or making return of unpaid taxes, not affecting the substantial justice of the tax itself, shall invalidate or vititate or anywise affect the validity of the assessment or tax: *provided*, that this section shall not be so construed as to dispense with the requisite two-thirds vote of all the members of the council, in the levying of a tax. **Errors not to invalidate tax.**

SECTION 18. The city treasurer shall not receive from the treasurer of the county of Eau Claire, tax certificates in payment of any indebtedness which may become due from said county to said city. The city shall contract no debt, and the common council shall make no appropriation during any fiscal year, for city purposes, greater than the amount determined upon as provided in the foregoing section five of this chapter for such purpose, together with the amount of money which may at any time be in the city treasury, derived from other sources than taxation. **Tax certificates not receivable for county indebtedness.**

SECTION 19. The common council shall have power, by a two-thirds vote of all the members thereof, to levy a tax or taxes to pay any or all judgments against the city. **May levy tax to pay judgments.**

SECTION 20. In case the city treasurer shall, at any time, refuse or neglect to perform his duties in enforcing the payment of taxes, as provided by this act and as authorized and required by the laws of this state, the common council shall forthwith remove such treasurer from office, and appoint a suitable person to fill the vacancy. **Treasurer may be removed for neglect of duty.**

SECTION 21. All accounts or demands against the city, before the same shall be allowed, shall be verified by affidavit, except salaries and amounts previously fixed or determined by law; and any person who shall falsely swear to any such account or demand shall be deemed guilty of perjury. **Accounts to be verified.**

SECTION 22. No money shall be appropriated or drawn out of the city treasury, except in payment of accounts and demands allowed by the common council, and then only upon the order of the mayor and countersigned by the city clerk, and upon the presentation of such order the city treasurer shall pay the same to the holder thereof. All such orders shall be numbered in regular series, commencing with number one, and **How money to be paid on accounts.** **Orders to be numbered.**

shall be made payable to the person in whose favor the common council may have lawfully audited any account, and said order shall state the number of the bill in payment of which the same was drawn, for what purpose, and from what fund payable, and the city funds shall be paid out of the treasury in no other manner whatsoever, and no interest shall be allowed or paid on any city-order or certificate whatever: *provided, however*, that when the city, being duly authorized thereto, shall borrow money, certificates of appropriation therefor may be issued payable at such time or times as the council may determine, and such certificates may be drawn to bear interest at a rate not exceeding ten per centum per annum, and when so drawn and signed by the mayor and clerk, interest shall be paid thereon as therein expressed.

How action to be maintained.

SECTION 23. No action shall be maintained by any person against the city of Eau Claire upon any claim or demand until such person shall first have presented his claim or demand to the common council for allowance, and allowance thereof refused by said council.

Determination of council to be final.

SECTION 24. The determination of the common council disallowing in whole or in part any claim of any person shall be final and conclusive, and a perpetual bar to any action in any court founded on such claim, except that such person may appeal to the circuit court, as provided in section 26 of this chapter.

No claim entertained a second time.

SECTION 25. In case any person shall present his claim or demand to the common council, and the said council shall disallow the said claim in whole or in part, the said council shall not thereafter entertain such claim again, and such claimant, if he desires, may prosecute his said claim by appeal to the circuit court, and not otherwise.

May appeal from decision of of council.

SECTION 26. When any claim of any person against the city shall be disallowed, in whole or in part, by the common council, such person may appeal from the decision of the council disallowing such claim, to the circuit court of the county of Eau Claire, by causing a written notice of such appeal to be served on the clerk of said city within twenty days after the making of such decision, and executing a bond to the said city with sufficient surety, to be approved by the said clerk, conditioned for the faithful prosecution of such appeal, and the payment of all costs that shall be adjudged

against the applicant by the court. The clerk, in case such appeal is taken, shall make a brief statement of the proceedings had in the case before the council, with its decision thereon, and shall transmit the same, together with the bond and all the papers in the case, to the clerk of the circuit court of Eau Claire county, and thereupon such appeal shall be entered, tried and determined in the same manner as cases originally commenced in the circuit court, and costs shall be awarded thereupon in like manner.

Clerk to give notice of appeal

SECTION 27. The clerk, upon such appeal being taken, shall forthwith give notice thereof to the mayor, and shall also report the same to the council at its first meeting thereafter.

## CHAPTER 8.

### FIRE DEPARTMENT.

May prescribe fire limits.

SECTION 1. The common council, for the purpose of guarding against the calamity of fire, shall have the power to prescribe the limits within which wooden buildings or buildings of other materials that shall not be considered fire-proof, shall not be erected or repaired, and to direct that all and any buildings within the limits prescribed shall be made and constructed of fire-proof materials, and to prohibit the repairing of wooden buildings within the fire limits, when the same shall have been damaged to the extent of fifty per cent. of the value thereof, and to prescribe the manner of ascertaining such damages.

May regulate the building of chimnies, etc., and take other precautionary measures.

SECTION 2. The common council shall have power to regulate the building, construction and condition of chimneys, fire-places, hearths, stoves, stovepipes, ovens, boilers and apparatus used in or about any building, and to cause the same to be removed or placed in a safe and secure condition, when considered dangerous; to prevent the deposit of ashes in unsafe places; to require the inhabitants to provide as many fire buckets, and in such manner and time as they shall prescribe, and to regulate the use of them in time of fire, and to regulate and prevent the carrying on of any manufactories dangerous in causing and promoting fires; to compel the owners and occupants of buildings to have scuttles in the roof, and stairs and ladders leading to the same; to authorize the mayor, aldermen, fire ward-

ens and other officers of the city to keep away from the vicinity of a fire all idle and suspected persons, and to compel the bystanders to aid in the exstinguishment of fires and in the preservation of property exposed to danger thereat, and generally to establish such regulations for the prevention and extinguishment of fires as the common council may deem expedient.

**May purchase engines and authorize fire companies.**

SECTION 3. The common council shall have power to purchase fire engines and other fire apparatus, and to authorize the formation of fire engine, hook and ladder and hose companies, and to provide for the due and proper support and regulation of the same, and to order such companies to be disbanded and their meetings to be prohibited and their apparatus to be delivered up. Each company shall not exceed seventy able bodied men, between the ages of fifteen and fifty, and may elect its own officers, and form its own by-laws, not inconsistent with the laws of this state or the ordinances and regulations of said city, and shall be formed only by voluntary enlistment. Every member of each company hereby authorized to be formed shall be exempt from poll tax, from serving on juries and from military duty during the continuance of such membership.

**Appointment of engineers.**

SECTION 4. The fire department shall, on the third Monday of March of each year, at seven o'clock in the afternoon, meet at such place as the common council may appoint, at which time and place they may appoint one chief engineer and two assistant engineers of the fire department, which appointment shall be confirmed by the common council before the same shall be in force; and if for any reason such appointments shall not be made at the time and in the manner provided in this section, and confirmed by the common council, then the common council may, at such time as they may deem proper, elect one chief engineer and two assistant engineers of the fire department.

**Of fire wardens.**

SECTION 5. At the same time, or as soon thereafter as may be, the members of the fire department shall appoint one fire warden for each ward, who shall perform such duties as the common council shall prescribe.

**Penalty for disobedience to orders at fires.**

SECTION 6. When any person shall refuse to obey any lawful order of any engineer, fire warden, mayor or alderman at any fire, it shall be lawful for the of-

ficer giving such order to arrest or direct orally the chief of police, policeman, watchman or any citizen, to arrest such person, and to confine him temporarily in any safe place until such fires shall be extinguished; and in the same manner such officers or any of them may arrest or direct the arrest and confinement of every person at such fire who shall be intoxicated or disorderly; and any person who shall refuse to obey any such lawful order, or who shall refuse to arrest or aid in arresting any person so refusing, shall be liable to such penalty as the common council shall prescribe, not exceeding fifteen dollars.

Organization of sack company, and their duties

SECTION 7. The common council shall have power to organize a sack company, which shall be known as sack company No. 1, to consist of not more than twenty members. Such company shall constitute a part of the fire department, and at fires shall be subject to the control of the chief engineer. The members of said company, either collectively or individually are hereby authorized and empowered to act as a special police in and for the city of Eau Claire, and are hereby vested with all its power and authority which now is or may be hereafter vested in any police officer of said city, and shall be entitled to all the rights and immunities, of members of the fire department. At fires they shall take charge of all property which may be exposed or endangered, and shall, so far as may be in their power, preserve the same from injury or destruction. Said company may from time to time, adopt such by-laws and regulations as they may deem necessary, not inconsistent with this act and the laws of this state, or ordinances of the common council. The members of said company shall not be entitled to any pay or compensation for services rendered in their official capacity. They shall, in case of riot or disturbance of the peace, have free access to all licensed places of amusement in the city, and shall perform such services as may be necessary for the peace and good order of the same. The members of said company shall severally take an oath or affirmation that they will faithfully discharge the duties of their said office; and when any member of said company shall cease to be a member thereof, notice shall be given to the city clerk, who shall preserve a record of all the members of said company.

Not entitled to pay.

How serve in case of riot.

Shall take oath.

## CHAPTER 9.

### POLICE JUSTICE—HIS POWERS AND DUTIES.

Jurisdiction of police justice.

SECTION 1. The jurisdiction of the police justice of the city of Eau Claire shall be co-extensive with the county of Eau Claire, and the said police justice shall have exclusive jurisdiction to try all criminal cases and conduct all examinations within said city, under the laws in which justices of the peace have jurisdiction, and according to this act.

In case of larceny.

SECTION 2. The said police justice shall have jurisdiction concurrently with the circuit court in all cases of larceny, where the amount alleged to have been stolen shall not exceed the sum of eighty dollars: *provided*, that nothing herein contained shall be so construed as to give said justice jurisdiction of offenses punishable by imprisonment in the state prison.

Punishment of larceny.

SECTION 3. The punishment for such larceny shall be by fine not exceeding one hundred dollars, or by imprisonment in the county jail not exceeding one year, or by both fine and imprisonment, in the discretion of the court. The police justice shall have jurisdiction, concurrently with the circuit court within said county, of all offenses mentioned in sections fifty-six and fifty-seven, chapter one hundred and sixty-five of the revised statutes of the state of Wisconsin, where the value of the wood or timber cut, or the mineral or earth dug or carried away, shall not be alleged to exceed the value of one hundred dollars; and in such cases the punishment shall be by fine not exceeding one hundred dollars, or by imprisonment in the county jail not exceeding six months.

For cutting timber or carrying away mineral.

Plea and recognizance of the defendant.

SECTION 4. In all cases arising under the last two mentioned sections, if the defendant shall dispute the title of the land upon which the alleged offense was committed, he shall join with his plea of "not guilty," a statement to that effect, and the court shall require him to enter into a recognizance with two sufficient sureties, who shall justify in double the amount of penalty named in the recognizance, for his appearance before the next term of the circuit court, and the said justice shall then transmit the papers and all proceedings in the case to the clerk of the circuit court of Eau Claire county, and the cause shall be tried in said cir-

cuit court upon the original papers filed with said justice.

SECTION 5. The said police justice shall have jurisdiction of all actions for assaults, batteries and affrays, which trials, in such cases, shall be conducted according to the provisions of chapter one hundred and twenty-one of the revised statutes of Wisconsin. Actions for assaults, etc.

SECTION 6. The said police justice shall have and possess all the rights, powers and privileges of justices of the peace, and all the laws of this state concerning justices' courts shall apply to the police court of the city of Eau Claire, except so far as said laws conflict with the provisions of this act. Shall have powers equal to justices of the peace.

SECTION 7. The said police justice shall have jurisdiction to hear, try and determine all offenses mentioned in sections one to fourteen, inclusive, of chapter one hundred and sixty-nine of the revised statutes. Lotteries and gambling.

SECTION 8. The said justice may appoint a clerk, who shall have power to administer oaths. The appointment of such clerk shall be in writing, under the hand of said justice, and filed in the clerk's office of the circuit court of Eau Claire county. May appoint clerk.

## CHAPTER 10.

SECTION 1. The common council shall have the power to change the boundaries of school districts situate within the limits of the city of Eau Claire, to form new districts and to do all things in relation to the alteration, formation or consolidation of school districts that the town board of supervisors can by law now do, and whenever any territory lying within the limits of the city of Eau Claire forms part of a school district with territory outside of the limits of the city of Eau Claire, the common council shall have the power, with the concurrence of the town board of supervisors of the town in which part of such school district may be situated, to annex such territory lying within the limits of the city of Eau Claire to some district already existing in said city, or with such territory forming parts of school districts already organized within the city limits, to form a new school district. All and any laws of the state in reference to the alteration or formation of school districts in conflict with the provisions May change boundaries of and form new school districts.

of this chapter, are hereby repealed so far as they may be applicable to defeat the provisions of this chapter.

## CHAPTER 11.

### MISCELLANEOUS PROVISIONS.

Right of property vested in city.

SECTION 1. The city of Eau Claire shall be, and is hereby invested as the lawful owner and successor of all real and personal property, and all the rights and privileges belonging to the corporations of the villages of Eau Claire City and Eau Claire, and such part of all the real and personal property, rights and privileges belonging to the towns of Eau Claire, North Eau Claire, West Eau Claire and Oak Grove, as is or may be contained in such portions of each such organizations, and to be included in said city limits, together with all the funds, revenues, debts and demands, due and owing to the said above-named organizations, as corporate bodies, which, by or under any former acts, ordinances, grants, donations, gifts, construction or purchases, have been acquired, vested, or in any manner belong to said corporations or either of them, "in the proportion that the whole valuation of each of such organizations is to the valuation of such portion of each such organization as is embraced within the limits of said city of Eau Claire," and the county equalization of each of said organizations, and respective parts thereof, for the year 1871, shall be the basis of such proportion; and the same are hereby transferred to the corporate body created by this act, and all suits, judgments, rights, claims and demands against the said corporations, or either of them, may be continued, prosecuted, defended and completed in the same manner as if this act had not passed.

Statements of trustees and supervisors to be filed with clerks.

SECTION 2. The board of trustees of the villages of Eau Claire City and Eau Claire, and each of the boards of supervisors of the towns of Eau Claire, North Eau Claire, West Eau Claire and Oak Grove, in the county of Eau Claire, shall each of them, at the time of making their annual statements of the financial condition of their respective organizations for the year 1871, as now required by law, cause a copy thereof to be made and filed by the clerk of each of said organizations with the city clerk of the city of Eau Claire, within five days from the time of making such several state-

ments; each of said statements shall show the total indebtedness of such organization at that time, and to whom or what such indebtedness is owing. If any of said indebtedness arises from outstanding orders, it shall give the number or numbers thereof and the name of the person in whose favor each is respectively drawn. If any of said indebtedness arises from accounts audited and orders not drawn, it shall state the names of the persons to whom such accounts were audited and the amount thereof of each. If any of said indebtedness is for bonds, it shall give the amount of each, the time when due, the rate of interest, the date thereof, the time when interest is due and the amount of accrued interest thereon, and said statements shall each contain a detailed account of all the assets of each of said organizations; each of said statements shall also state whether any actions have been commenced against said organization or not, and if any action has been commenced, it shall give the names of the plaintiffs, the nature of the complaint, the name of the plaintiffs' attorney, the present status of the case, and the name of the attorney, if any, employed by the organization to defend.

**What statements shall show.**

SECTION 3. The village treasurers and village clerks of the villages of Eau Claire and Eau Claire City, and the town treasurers and town clerks of the towns of Eau Claire, West Eau Claire, North Eau Claire and Oak Grove, in the county of Eau Claire, and each and all of them shall, on or before the first day of May 1872, deliver over to the city treasurer of the city of Eau Claire, all the moneys, books, papers and property of every nature whatsoever in their hands, belonging to each of said organizations, of which he is the treasurer or clerk, and thereupon the city treasurer of the city of Eau Claire shall give to each of the said treasurers, and clerks of said organizations, his receipt therefor, for the articles so delivered. In case any treasurer or clerk of either of said organizations shall fail, neglect or refuse to deliver over to the said city treasurer of the city of Eau Claire, any moneys, books, papers or property, pertaining to each of their several offices as aforesaid, at the time or as required by section three of this chapter, then the officer so failing, neglecting or refusing shall forfeit and pay, for the use of the city, one hundred dollars, besides all dam-

**Village and town treasurers and clerks to deliver over moneys, books, etc., to city officers.**

**Penalty for failure or refusal to deliver.**

ages caused by his neglect or refusal so to deliver, and the aforesaid city officers may recover the possession of such moneys, books and papers, or other property of said organizations in the manner prescribed by the laws of this state; such books and papers as aforesaid shall only be retained by said respective city officers, for the sole purpose of making an abstract of so much of such records and papers as shall pertain to highways now in said city, and a full and complete settlement between that portion of the towns of West Eau Claire, North Eau Claire and Oak Grove, (which are each, in part, included in the limits of said city of Eau Claire,) and that portion of said organizations as are outside of said city limits; and upon the completion of said settlement, said books and papers shall be delivered over to the proper officers of the said organizations as they may at that time exist, and all moneys that may be found due and owing on account of the proportionate value of any moneys or property which may have been owned in common at the time of the organization of said city, shall be immediately paid over to the proper officer or officers; and the moneys, books and papers of the town of Eau Claire, and the villages of Eau Claire and Eau Claire City, shall remain in the hands of said city officers.

**For what purpose books and papers to be retained.**

**Circuit judge to appoint three appraisers.**

SECTION 4. The judge of the circuit court for the county of Eau Claire shall, at the next term of the circuit court, held in and for said county, after the passage of this act, appoint three persons whose duty it shall be to examine and appraise the value of all property of the said city of Eau Claire of which the said city may have become invested by virtue of this act; and said persons shall signify their acceptance of such appointments, and willingness to perform the duties incumbent therein in writing, directed to the judge of said circuit court within five days after notice of such appointment; such persons when so appointed, and having so accepted shall be styled "appraisers of the city property of the city of Eau Claire."

**When appraisers to commence appraisement, and the basis of appraisal.**

SECTION 5. Within ten days after such acceptance, said appraisers shall proceed to examine and appraise the value of all such property. The basis of appraisal of the true, equitable value of all such property, shall be the then present value thereof, in its then present condition, for the proper uses of the city for which said

property is to be used by said city: *provided, however*, that all highways, (except bridges), and all works performed on highways, (except on bridges); all plank-roads, cemeteries and public grounds, and all work done thereon, shall not be considered city property for the purposes of such valuation.

SECTION 6. The said appraisers shall, within thirty days after such acceptance, make two reports of the value of all such property as found by them, one of which shall be filed with the city clerk of said city of Eau Claire, and the other shall be filed with the clerk of of the circuit court of Eau Claire county. In case the said appraisers shall not agree as to the value of such property, they shall each make separate reports of the value thereof, as found by each, and file the same as above provided, and the common council of said city shall decide as to which valuation of any of said property they will accept and abide by, and such decision shall be final. **Shall make two reports.**

SECTION 7. The appraisers shall receive such compensation for such services, as the common council of said city shall allow. **Their compensation.**

SECTION 8. The city treasurer shall render to the common council of said city, at their first meeting held after the first day of May, 1872, a statement showing the amount of moneys and other property received from each of the treasurers and clerks of said organizations respectively, and the city clerk shall, also at such meeting, lay before the common council the statements of the financial condition of the several organizations, made as required by section two of chapter ten of this act, and shall also lay before the said common council, the report of the appraisers appointed under the provisions of section four of chapter ten of this act. **City treasurer to render statement.**

SECTION 9. The common council shall thereupon proceed to make a just, fair and equitable settlement between the city and the several organizations from which the city was formed in part, and not included in said city limits, and any and all amounts found to be owing by said city to any portion of the territory outside of the city, which comprised a part of an organization from which said city was formed in part, shall be paid by said city as soon as the said territory shall be reorganized, and proper officers elected and authorized to receive and receipt for the same. But if it shall be **Council to make settlement for city.**

Shall pay balance.

found, upon such settlement, that there is any amount due any portion of said city from any portion of territory outside of said city limits, which was a part of an organization from which said city was formed in part, that portion of said territory so owing said part of said city shall pay the amount thereof to the city treasurer.

City treasurer may collect balance.

And in case any portion of territory so indebted shall fail, neglect or refuse to pay the amount thereof so found to be due, the city treasurer of said city shall proceed to collect the same in the manner as is now provided by the laws of this state for the collection of debts against towns, cities and villages.

Council to make settlement between the different villages.

SECTION 10. The common council shall thereupon proceed to make a just, fair and equitable adjustment and settlement of the differences in debts and credits, which may there be found to exist, between the different portions or parts of territory which have by this act been formed into and constitute the city of Eau Claire, and shall, at their annual meeting, held in September, 1872, for the purpose of levying the general city taxes for that year, levy upon all of the taxable property of each of the said different portions, such an amount of tax in addition to the general city taxes for that year, as will make each of said portions equal in assets, (over and above all liabilities), with every or any other portion, organization or part of organization at the time of such settlement as aforesaid, so ascertained upon the basis aforesaid; and said tax shall be placed in a separate column upon said tax roll, and shall be collected at the same time and in the same manner as the general city taxes of said city, and the taxes thus collected, and the assets, over and above liabilities, shall be in the manner aforesaid adjusted and placed to the credit of the proper wards, as so much of each ward's proportion of the general city fund, to be used for general city purposes: *provided, however,* that not more than one per cent. upon the assessed valuation of any such portion of said territory, shall be levied in the year 1872 for such purpose. But in the event that the said one per cent. tax shall not liquidate the full indebtedness of any portion of said territory so found, a further and sufficient sum shall be levied as aforesaid, upon the assessed valuation of each of such portions as aforesaid, which shall be in arrear, in addition to the general city taxes of 1873, as will fully pay the entire amount so left unpaid.

Shall levy tax.

How collected.

Limit of rate.

SECTION 11. The common council of the city of Eau Claire shall have the same powers in relation to all school districts, situated in whole or in part within said city limits, as are now conferred upon town boards of supervisors by the laws of this state, and shall perform all duties relative thereto in the same manner as town boards of supervisors are authorized to do. Powers of the council in relation to school districts.

SECTION 12. All work for the city or either ward thereof, shall be let by contract to the lowest reasonable, responsible bidder, and due notice shall be given of the time and place of letting such contract: *provided*, that the council by a vote of two-thirds of all the members thereof, may otherwise provide for work. All work to be let by contract.

SECTION 13. All actions brought to recover any penalty or forfeiture under this act, or the ordinances, by-laws, police or health regulations, made in pursuance thereof, shall be brought in the corporate name of the city. It shall be lawful to declare generally for such penalty or forfeiture, stating the clause of this act or by-law or ordinance under which the penalty or forfeiture is claimed, and to give the special matter in evidence under it. All prosecutions may be commenced by summons or by warrant as the exigency of the case may require. In all cases where an action might be brought by the city of Eau Claire against any person, company or corporation, such action may be commenced and prosecuted in the name of the city, by any elector of said city: *provided*, that before any person, other than the proper officers of said city shall prosecute any such action, the person or persons so commencing shall enter into bonds with sufficient surety to the opposite party, to be approved by the judge or justice before whom such action shall be brought, conditioned that he or they will pay all costs that might be recovered against the city in such action. After the filing of such bond, with the papers in the case, such action shall not be discontinued or defeated by the city, nor shall the city be liable for any cost on account of any such action, but such costs, where the action shall fail, may be recovered against the party commencing the same, upon the bond filed as aforesaid: *provided*, that nothing herein contained shall be so construed as to prevent any peace officer from arresting, without process, any person in a state of intoxication or guilty of immoderate drinking, improper How actions to be brought and prosecuted.

revelling, obscenity or noisy, boisterous or disorderly conduct in the streets or public places, and taking such person or persons forthwith before the police justice, or keeping them in confinement until such time as said justice can reasonably hear and dispose of such offenders.

Entry of judgment for recovery of penalties.

SECTION 14. In all cases of conviction in actions brought or prosecuted to recover a penalty under any of the provisions of this act, or to recover a penalty or forfeiture for the violation of any city ordinance or regulation, the court shall enter judgment against the defendant for the fine and costs of prosecution, and if the defendant shall refuse or neglect to pay such fine and costs, the court shall enter a judgment that the defendant be imprisoned in the county jail of Eau Claire county for a term not exceeding three months, and shall forthwith commit the defendant for the term fixed by said judgment, and in all cases where the judgment shall be, that the defendant shall be imprisoned in the county jail, the court may, in its discretion, enter a further judgment that the defendant pay the costs of prosecution, and that he be held in imprisonment in the said jail until such costs be paid, or he be otherwise discharged by due course of law.

Not to render incompetent.

SECTION 15. No person shall be an incompetent judge, justice, witness or juror, by reason of his being an inhabitant of said city, in any proceeding or action in which the city shall be a party in interest.

Failure of election not to affect corporation

SECTION 16. If any election by the people or common council shall not, from any cause, be held at the time or in the manner herein prescribed, it shall not be considered reason for arresting, suspending or abolishing said corporation, but such election may be held on any subsequent day by order of the mayor; and if any of the duties enjoined by this act, or the ordinances or by-laws of the city to be done by any officer, at any time specified, and the same are not done and performed, the common council may appoint another time at which said acts may be done or performed.

How process against city served.

SECTION 17. Whenever any suit or action shall be commenced against said city, the service thereof may be made by leaving a copy of the process with the mayor, and it shall be the duty of the mayor forthwith to inform the common council thereof, or take such other proceedings as the ordinances and resolutions of said council may provide.

SECTION 18. Said city may lease, purchase or hold real or personal property sufficient for the convenience of the inhabitants thereof, and may sell and convey the same, and the same shall be free from taxation, while owned or held by said city. **May hold real estate.**

SECTION 19. No general law contravening the provisions of this act shall be considered as repealing, amending or modifying the same, unless such purpose is expressly set forth in such law. **Not repealed by general laws.**

SECTION 20. From and after the third Monday of February, 1872, the connection between the towns of West Eau Claire, North Eau Claire and Oak Grove, and that part of said towns or either of them included within the city limits, for all town purposes, shall be dissolved. The duties now and hereafter imposed upon supervisors and other town officers, so far as they relate to the city of Eau Claire, shall be performed by the aldermen of the wards and the other officers of said city, except as hereinafter provided. **Connection with towns dissolved.**

SECTION 21. Every member of the common council of the city of Eau Claire who shall directly or indirectly vote to himself or knowingly to any other person any sum of money for any purpose whatever, in violation of the city charter or any amendment thereto, or shall ask or receive any compensation for doing any official act, except as an inspector of elections, member of the board of registry, and as a member of the board of equalization, any member of the common council or other city officer who shall be directly or indirectly interested in any contract made with or in behalf of the city, and any member of said council or other city officer who shall, directly or indirectly, purchase or be interested in the purchase of any city order or city indebtedness for less than the full amount thereof, shall be deemed guilty of a misdemeanor in office, and may be prosecuted either by indictment or complaint before the police justice or any justice of the peace having jurisdiction, and upon conviction thereof shall be punished by a fine not exceeding one hundred dollars nor less than twenty dollars, or by imprisonment in the county jail not more than thirty days nor less than ten days, or both, at the discretion of the court, and any contract made in violation of the provisions of this section shall be void. **Penalty for official malfeasance of aldermen.**

Paupers.

SECTION 22. The paupers of said city shall be cared for in such manner as shall be provided by the common council of said city.

How licenses to be issued.

SECTION 23. Every license issued by the authority of this act, or the ordinances of the city, shall be signed by the mayor and city clerk, and sealed with the corporate seal, but no such license shall be issued by said mayor and clerk, until the person applying for the same shall have deposited with the said clerk, the receipt of the city treasurer for the amount required to be paid therefor, nor shall any license be issued for dealing in, selling or vending spirituous, vinous or malt liquors, until the applicant shall have filed his receipt as aforesaid, together with a bond, as required by the laws of this state, which bond shall be approved by the mayor, and a sum not less than the minimum sum nor greater than the maximum sum fixed by the laws of this state to be paid for such license, shall be paid to the city treasurer in money. It shall be the duty of the mayor and city clerk to report to the council, at each regular meeting thereof, the licenses theretofore issued by them, and not before reported, and the council shall, by vote, approve or disapprove of the same. If the council disapprove thereof, it shall be the duty of the city clerk forthwith to notify the person holding such license, that the same has been revoked by action of the common council, and such license shall thereafter be void, and the council shall refund the license money paid therefor, except a fair proportion thereof for the time said license was in force.

City to have use of county jail.

SECTION 24. The use of the jail of Eau Claire county until otherwise provided, shall be granted to said city for the confinement of offenders, and every such offender shall be delivered to the sheriff of said county, for whose custody, safe keeping and delivery, the said sheriff shall be responsible as in other cases, but the said county shall not incur or pay any liability or expense on account of any person committed to said jail for a violation of any ordinance, by-law, rule or regulation of said city, but such expenses shall be paid by the city.

Private property not to be sold for city debts.

SECTION 25. No real or personal property of any inhabitant of said city or town, individual or corporation shall be levied upon or sold by virtue of any exe-

cution issued to satisfy or collect any debt, obligation or contract of said city.

SECTION 26. When a judgment shall be recovered against any officer of said city, in any action prosecuted by or against him, in his name of office, where the same should be paid by the city, no execution shall be issued or awarded upon such judgment, except as hereafter provided; but the same, unless reversed, shall be levied and collected as other city charges, and when so collected, shall be paid by the city treasurer to the person to whom the same shall be adjudged, upon the delivery of a proper voucher therefor; but if the payment thereof be not made within sixty days after the city treasurer is required to make his return of city or ward taxes, next after the rendition of such judgment, execution may be issued thereon, upon the order of the court authorized to issue such execution on special application therefor. How judgment against officers to be collected.

SECTION 27. No member of the common council shall be elected or appointed to any office, agency, or place of public trust or profit by the council, except as provided by this act; neither shall the common council sell or authorize the sale of any city order or certificate of indebtedness for the purpose of raising money for the payment of any debt, for less than the amount expressed upon the face thereof. Aldermen not to be appointed to office.

SECTION 28. The mayor shall have power to grant pardons or commutations, after conviction, for all offenses against the ordinances of the city, upon such conditions as he may deem proper; he shall communicate any such action to the council, at its next meeting, with his reasons therefor. All fines imposed by the police court of the city of Eau Claire, for violation of this act, or ordinances, by-laws or regulations made in pursuance thereof, shall be paid by the officer collecting the same into the city treasury, and a separate account made thereof; and in the months of March and September in each year, the city clerk shall report to the council the amount so received during the preceding six months, and also the expenses attending such prosecution in the city during the same year. Mayor may grant pardons. Disposition of fines.

SECTION 29. The common council shall have power, and it shall be their duty, to remove from office any policeman for incompetency, misconduct or neglect in the discharge of his official duties, or for refusing or Power of removal from office.

neglecting to perform such acts as are required of him by law.

Punishment for drunkenness.

SECTION 30. Any person who shall be guilty of drunkenness, or immoderate drinking, improper reveling, obscenity, or noisy, boisterous and disorderly conduct in the streets or public places of the city of Eau Claire, shall be deemed guilty of a misdemeanor, and on conviction thereof before the police justice of said city, shall be punished by a fine of not less than one nor more than one hundred dollars, or by imprisonment in the county jail of Eau Claire county for a term of not less than two days nor more than three months.

Entry of complaints and issue of warrants.

SECTION 31. Whenever any complaint is made to the police justice of said city by any police officer, sheriff, policeman or other person, that any offense has been committed within the said city against the provisions of the charter of said city, or of the by-laws or ordinances passed in pursuance thereof, whether such offense is made punishable under such charter or ordinances, by fine, penalty or imprisonment, the said justice shall examine the complainant on oath, and reduce the complaint to writing, and cause the same to be subscribed by the complainant; and if it shall appear that any such offense has been committed, the said police justice shall issue his warrant, reciting the substance of the complaint, requiring the officer forthwith to arrest the accused and bring him before such police justice to be dealt with according to law. All the laws of this state relating to the manner of conducting criminal actions before justices' courts shall be applicable to all trials before the police justice under this act, so far as the same do not conflict with the provisions of this act: *provided*, when the complaint is made by any person other than a police officer of said city or sheriff of Eau Claire county, the said justice, before issuing his warrant, may require security, as provided in section thirteen of chapter ten of this act.

No salary to city officers.

SECTION 32. No compensation or salary shall be paid the mayor or any alderman of said city, except as provided in section twenty-one of this chapter.

May purchase toll-bridge across the Chippewa.

SECTION 33. The said city is hereby authorized and empowered to acquire by purchase from the county of Eau Claire all the right, title and interest of the said county, in and to the toll-bridge across the Chippewa river in said city, and the board of supervisors of said

county of Eau Claire is hereby authorized and empowered to sell and convey to said city all the right, title and interest of said county in and to said bridge, and the common council of said city is hereby further authorized and empowered to execute and deliver to said county of Eau Claire, bonds of said city in a sum not exceeding twenty thousand dollars, payable at such time and to bear such rate of interest, not exceeding ten per cent. per annum, as shall be agreed upon between the board of supervisors of said county and the common council of said city; and the said city shall have the right to construct other bridge or bridges across said river, and the Eau Claire river, whenever and wherever the common council shall deem it necessary so to do: *provided, however*, that all bridges hereby authorized to be constructed across the Chippewa river shall be so constructed as not to obstruct the free navigation thereof by steamboats or rafts, and no tax, impost or duty shall be imposed for passing any such bridge by any boat, raft or craft, navigating said river.

**Licenses assigned not transferable.**

SECTION 34. No assignees of any license shall be permitted to pursue the occupation or business licensed, except upon the same premises where the business was conducted by the original holder of said license, except by a vote of two-thirds of the common council.

**When present official year to close.**

SECTION 35. The several town boards of supervisors and the board of trustees of the several villages, the town clerks and village clerks, the town treasurers and village treasurers of the several towns and villages included, in whole or in part, within the city limits of said city, shall hold their respective offices, and discharge their respective duties as such officers, until the first Tuesday in April next, in the same manner, and shall have the same power as if this act had not been passed, anything in this act to the contrary notwithstanding.

**Erection of dam prohibited.**

SECTION 36. Nothing in this act contained shall be construed as authorizing the erection of a dam or dams across the Chippewa river, within the limits of said city.

SECTION 37. This act is hereby declared to be a public act, and shall be liberally construed in all courts of this state.

Approved March 2, 1872.

## CHAPTER 17.

[*Published March* 8, 1872.]

AN ACT to authorize the city of Manitowoc to borrow money for the purpose of building bridges.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

**May borrow money.**

SECTION 1. The board of aldermen of the city of Manitowoc are hereby authorized to borrow such sum or sums of money, not to exceed in the aggregate the sum of twenty thousand dollars, at such times as said board of aldermen may deem necessary, for the purposes hereinafter specified, and at the rate of interest not to exceed ten per cent. per annum.

**May issue bonds or orders therefor.**

SECTION 2. For the sum or sums of money so borrowed, the said board of aldermen may cause city orders or city bonds to be issued, which orders or bonds shall be signed by the mayor of said city and the city clerk, and be in such denominations as may be thought best by the said board of aldermen, and shall specify the time when each such order or bond shall become due and payable: *provided, however*, that no such order or bond shall be issued for a longer term or period than five years after the date of issue. Such orders or bonds shall have interest coupons attached thereto for the interest falling due thereon in each year, and such coupons shall be taken in payment for city taxes in such years in which such coupons may become due and payable.

**How money to be used.**

SECTION 3. The moneys so borrowed, shall be used only for the purpose of building a drawbridge across Manitowoc river, in said city of Manitowoc, at a place where Main street crosses said Manitowoc river.

**Not to be used for repairs, or for paying city bonds.**

SECTION 4. No money borrowed under the provisions of this act shall be used for the purpose of repairing bridges, or paying interest or principal on the orders or bonds issued under the provisions of this act, or principal or interest on any other indebtedness said city may have contracted or may hereafter contract, or for any other purpose whatsoever, except as specified in section three of this act.

SECTION 5. It shall be the duty of the city clerk of said city of Manitowoc, whenever any orders or bonds shall have been issued under the provisions of this act, to add annually to the amount of taxes levied and assessed by the board of aldermen of said city for the purpose of defraying the general and special expenses of said city, a sum equal to the whole amount of principal or interest on such orders or bonds, which may become due and payable during the year next succeeding the levy, assessment and collection of such taxes, and the sum or sums so added to the amount of taxes levied by said board of aldermen shall be assessed and collected in the same maner as is now or may be hereafter provided by law.

**Tax to be assessed to pay interest and principal.**

SECTION 6. It shall be the duty of the treasurer of said city of Manitowoc to pay on presentation, out of any moneys in his hands collected for that purpose or belonging to the general fund of said city, all orders or bonds issued under the provisions of this act, or any coupons thereto which may become due and payable. And in case such orders, bonds or coupons shall have been paid out of moneys belonging to the general fund of said city, then such general fund shall be reimbursed by the taxes ordered to be levied, assessed and collected by section 5 of this act.

**Payment of moneys by treasurer.**

SECTION 7. All orders, bonds or coupons so paid by the city treasurer, as provided in section 6 of this act, shall forthwith be canceled by said treasurer, by writing, printing or stamping the word, "paid," in clear and legible letters, on the face of such orders, bonds or coupons, and the same shall be counted, entered and canceled in the proper books to be kept by said treasurer, and destroyed in the same manner as other city orders, bonds or coupons issued by the city of Maintowoc are counted and destroyed.

**Orders or bonds to be canceled, when paid.**

SECTION 8. No order, bond or coupon issued under the provisons of this act, and paid by the city treasurer, shall be reissued, nor shall new orders, bonds or coupons be issued for those which have been paid, canceled and destroyed, as prescribed in sections 6 and 7 of this act.

**Not to be re-issued.**

SECTION 9. All acts and parts of acts, so far as they conflict with the provisions of this act, are hereby repealed.

SECTION 10. This act shall be in force from and after its passage and publication.

Approved March 5, 1872.

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## CHAPTER 18.

[*Published March* 8, 1872.]

AN ACT to detach certain territory from the county of Burnett, and to annex the same to the county of Barron.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Detached.

SECTION 1. Township number thirty-seven of ranges ten, eleven, twelve, thirteen and fourteen west, is hereby detached from the county of Burnett and annexed to the county of Barron, and shall hereafter be a part of said county of Barron.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 5, 1872.

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## CHAPTER 19.

[*Published March* 8, 1872.]

AN ACT to authorize the common council of the city of Milwaukee to extend Van Buren street in the third ward of the said city.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

May extend street.

SECTION 1. The common council of the city of Milwaukee are hereby authorized to cause Van Buren street to be extended and opened, from Detroit city to Buffalo street in the third ward of said street, in the manner provided for in the charter of the said city, and the acts amendatory thereof.

How cost to be charged.

SECTION 2. The cost of extending and opening said Van Buren street between Detroit street and

said Buffalo street shall be charged as follows: One-half of such cost shall be charged to the ward fund of the said third ward, and one-half thereof to the adjoining real estate as now provided by law for making and opening streets in the said city.

SECTION 3. The common council of the said city are hereby authorized in addition to other ward taxes to be levied in the year 1872, to levy on the taxable property of the said third ward an amount sufficient to pay one-half of the cost of opening and extending the said Van Buren street from Detroit street to Buffalo street. **May levy an additional tax.**

SECTION 4. This act shall take effect and be in force from and after its passage.

Approved March 5, 1872.

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## CHAPTER 20.

AN ACT providing for an abstract of tax sales for Jacksen county.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. It shall be the duty of the county clerk for the county of Jackson, state of Wisconsin, to get up and maintain an abstract of tax sales, and to post and note therein all sales made by said county for taxes, and to note in a conspicuous manner all deeds and redemptions; and it shall be the duty of said clerk to procure suitable books for such purposes, to be paid for from the county treasury of said Jackson county; and as compensation for such services, the said clerk shall be paid the sum of two and one-half cents for each tract or lot entered in such abstract in each year, commencing with the sale of eighteen hundred and fifty-five, said clerk's fees to be paid from the county treasury of said county. **Shall maintain abstract.**

SECTION 2. Whenever redemptions are made, or deeds for taxes are executed, the clerk shall add to the fees now authorized by law for the same, the sum of two and one-half cents for each tract so redeemed or deeded. **Additional fees**

SECTION 3. This act shall be in force and take effect from and after its passage.

Approved March 5, 1872.

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## CHAPTER 21.

[*Published March* 9, 1872.]

AN ACT to incorporate the city of Prairie du Chien.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

### CHAPTER I.

CITY AND WARD BOUNDARIES.

City boundaries

SECTION 1. That from and after the first Monday in April, 1872, all that district included in the following limits, to-wit: All that part of the town of Prairie du Chien, in the county of Crawford, bounded on the north by Cedar street, as laid down on the union plat of Prairie du Chien aforesaid, on the east by the east line of farm lots of Prairie du Chien, on the west by the Mississippi river, and on the south, commencing at the west end of La Pointe street, in the plat of Lower Prairie du Chien, at the Mississippi river, thence east on said street to sixteenth street, thence north with said sixteenth street to Prairie street, thence east with said Prairie street to the east line of said city; also all that certain territory known and described as the main village of Prairie du Chien, shall be known and designated as the city of Prairie du Chien, and by that name shall be capable of contracting and being contracted with, pleading and being impleaded, answering and being answered unto, in all courts and places, and in all matters whatsoever, and shall be competent to exercise all the rights and privileges, and be subject to all the duties and obligations appertaining to municipal corporations.

Ward boundaries.

SECTION 2. The said city shall be divided into four wards, called first, second, third and fourth, limited and bounded as follows: All that portion of said city ly-

ing south of the south line of farm lot thirty-five of the private land claims ot Prairie du Chien, with said line extended to the Mississippi river and to the bluffs, shall constitute the first ward; and all that portion of said city not included in the plat of main village, and being north of said north boundary of ward number one and south of the center of Bluff street from the bridge across the Morass to the bluffs, shall constitute the second ward; and all that portion of said city lying north of the north line of said ward number two and not included in the plat of main village, shall constitute the third ward; and all that portion of said city included in the plat of the main village of Prairie du Chien aforesaid, shall constitute the fourth ward.

SECTION 3. The corporate authority of said city shall be vested in one principal officer, styled the mayor, in one board of aldermen, consisting of three members from each ward, who, with the mayor, shall be denominated the common council, together with such other officers as are hereinafter mentioned or may be created under this act. Corporate authority.

## CHAPTER II.

### ELECTIONS.

SECTION 1. There shall be an annual election for elective officers hereinafter provided, held on the first Tuesday of April of each and every year, at such place in each ward as the common council shall designate, and the polls shall be kept open from nine o'clock in the forenoon until five o'clock in the afternoon, and ten days' previous notice shall be given by the common council of the time and place of holding such election, and of the officers to be elected: *provided*, that all that part of said town of Prairie du Chien not included within the corporate limits of said city shall have the right and it shall be lawful for them to hold their town meetings, general and special elections in the court house in the third ward of said city. Annual election.

SECTION 2. The elective officers of said city shall be a mayor, treasurer and assessor, all of which said officers shall be residents within and qualified voters of said city. Each ward shall elect three aldermen, one justice of the peace and one constable, who shall be residents within and qualified voters of the ward Elective and appointive officers.

for which they may be elected. The terms of office shall commence on the first Monday of May next after their election. Each of said officers shall continue in office for his respective term, as herein provided, and until his successor is elected and qualified, and shall have such powers and perform such duties as are prescribed in this act, not inconsistent with this act, or which may not be incompatible with the nature of their respective offices. All other officers necessary for the management of the affairs of said city shall be appointed by the common council. On the first Tuesday of April next, the qualified voters of said city shall elect one mayor, one treasurer and one assessor, and on the same day and at the same places of holding said election, the said qualified electors of each ward shall elect three aldermen, one justice of the peace and one constable. At the first election of said city, it shall be held at Bank hall in the first ward, at the school house in the second ward, at the court house in the third ward, and at the school house in the fourth ward. The voters present shall have power to proceed by nomination and *viva voce* election of three inspectors and two clerks, whose duties shall be (after being sworn by an officer competent to administer an oath by the laws of this state), to see that such election shall be conducted in accordance with the laws of the state of Wisconsin, and any fraud or violation of said laws of said election shall be punished as any violation of the election laws in any part of said state; and at every subsequent election, the same shall be presided over by the aldermen, in the respective wards, or in case of their absence or disability, the voters present at the hour of opening the polls shall elect by *viva voce* a sufficient number of inspectors to make three with the alderman or aldermen present, who shall be sworn, in accordance with the laws of this state. They shall appoint and swear two clerks, and shall see the names of the voters registered, and the ballots safely deposited in the ballot box, shall decide all questions that may arise as to the legality of the votes presented, shall count the ballots at the close of the polls, and shall certify and seal two returns, one of said returns to the clerk of the city council, the other to the clerk of the board of supervisors of the county of Crawford. The mayor of the city and such

First election.

Places of holding elections.

Election of inspectors.

Board of canvassers.

members of the common council as shall hold over, shall constitute a board of canvassers, who shall, within five days after the election, meet at the common council chamber and canvass such returns, and after the aforesaid returns have been canvassed by the said board, the mayor shall notify, by a certificate, the persons elected to the respective offices. The returns of the first election shall be made to the clerk of the board of supervisors aforesaid, who, with two justices of the peace, shall canvass the votes and certify to the same, and notify the officers elected.

How vacancies filled.

SECTION 3. In the event of a vacancy in the office of mayor or aldermen, by death, removal or other disability, the common council shall order a new election, and shall give five days' notice thereof; any vacancy in other offices shall be filled by the common council; the person appointed or elected to fill a vacancy shall hold his office and discharge the duties thereof for the unexpired term, with the same rights and subject to the same liabilities as the person whose office he may be elected or appointed to fill. The terms of office of the mayor, treasurer, assessor and constables shall be one year, justices two years and aldermen as provided in section eight of this chapter.

Election by ballot and *viva voce*.

SECTION 4. All elections by the people shall be by ballot, and each ballot shall contain all the names of the persons voted for, with a proper designation of the officers written or printed thereon, and a plurality of votes shall constitute an election; all elections by the common council may, at their option, be *viva voce*; when two or more candidates for an elective office shall receive an equal number of votes for the same office, the election shall be determined by the casting of lots in the presence of the common council at such time and in such manner as they may direct.

Qualification of electors.

SECTION 5. All persons entitled to vote for state and county officers, and who shall have resided in the city ten days preceding the election, and for ten days within the ward where they offer to vote, shall be entitled to vote for any officer to be elected under this law, and to hold any office hereby created.

Prevention of illegal voting.

SECTION 6. If either of the inspectors of election or aldermen shall suspect that any person offering to vote, does not possess the necessary qualifications of an elector, the inspectors or aldermen, before receiving

any such vote, shall, in addition to the oath required by law in reference to elections, require the voter offering, to make oath that he has resided in the ward where he offers his vote, ten days next preceding the election, and in the city three months next preceding the election; and if the person offering to vote shall take such oath, his vote shall be received; and if such person shall take such oath falsely, he shall be deemed guilty of willful and corrupt perjury, and upon conviction thereof, upon indictment or information, shall suffer the punishment provided by law for persons guilty of perjury. If any person who is not a qualified voter shall vote at any election, or if any person duly qualified shall vote in any other ward than the one in which he resides, or shall vote more than once at any one election, he shall be liable to indictment or presentment by information, and on conviction thereof shall forfeit and pay a sum not exceeding one hundred dollars, nor less than twenty-five dollars. It shall be the duty of the inspectors to keep a list of the names of all persons whose vote may be challenged as aforesaid, and who shall swear in their vote; and if any inspector or alderman shall knowingly and corruptly receive the vote of any person not authorized to vote, or shall make out false returns of any election, or if any clerk shall not write down the name of every voter as he votes, or shall willfully make untrue and incorrect counts and tallies of votes, each and every inspector or clerk so acting shall be liable to indictment or presentment by information therefor, and on conviction thereof, shall severally forfeit and pay a sum not exceeding five hundred dollars.

Special-elections.

SECTION 7. Special elections to fill vacancies or for any other purpose shall be held and conducted by the aldermen of each ward, in the same manner and the returns thereof shall be made in the same form and manner as general and annual elections, and within such time as may be prescribed by resolution.

Classification of aldermen.

SECTION 8. There shall be elected at the first election under this act, one alderman in each ward who shall hold his office for two years, and two aldermen who shall hold their office for one year, and at every annual election thereafter one alderman in each ward who shall hold his office for two years, and one alderman who shall hold his office for one year; the alder-

man having the highest number of votes in each ward shall be the alderman for two years.

SECTION 9. Any officer removing from the city or ward for which he was elected or any officer elected at the annual election who shall neglect or refuse to qualify on or before the first Monday in May next after his election, and any officer elected or appointed to fill any vacancy who shall neglect or refuse for ten days after notice of his election to qualify, shall be deemed to have vacated his office, and the common council shall proceed to fill the vacancy as herein prescribed. When office deemed vacant,

## CHAPTER III.

### OFFICERS—THEIR POWERS AND DUTIES.

SECTION 1. Every person elected or appointed to any office under this act shall, before he enters upon the duties of his office, take and subscribe an oath of office, and file the same, duly certified by the officer taking the same, with the clerk of the city, and the treasurer, clerk and such other officers as the common council may direct, shall severally, before they enter upon the duties of their respective offices, execute to said city a bond, with at least two sureties, who shall make affidavit that they are each worth the penalty specified in said bond, over and above all debts, exemptions or liabilities; and said bonds shall contain such penal sum and such conditions as the common council may direct, and the common council may from time to time require new or additional bonds, and remove from office any officer refusing or neglecting to give the same. Official oaths and bonds.

SECTION 2. The mayor, when present, shall preside over the meetings of the common council, and shall take care that the laws of the state and ordinances of the city are duly enforced and observed, and that all officers of the city discharge their respective duties. He shall appoint no police force without the direction of the common council, by order, and only such number as the common council shall so direct; any police officer or watchman so appointed may be discharged by the mayor whenever, in his opinion, the welfare of the city may demand it. In case of riot or other disturbance the mayor may appoint as many special constables as he may deem necessary. The mayor shall communicate in writing to the common council once a Duties of mayor

year, such information as he may deem necessary, and at all times give such information as the common council may require.

President of the council.

SECTION 3. At the first meeting of the common council in each year, or as soon thereafter as may be, they shall proceed to elect by ballot, one of their number president, and in the absence of the mayor, the said president shall preside over the meetings of the common council, and during the absence of the mayor from the city, or his inability, from any cause, to discharge the duties of his office, the president shall execute all the powers and discharge all the duties of mayor. In case the mayor and president shall be absent from any meetings of the common council, they shall proceed to elect a temporary presiding officer who, for the time being, shall discharge the duties of mayor. The president, or temporary presiding officer, while presiding over the council, or performing the duties of mayor, shall be styled acting mayor, and acts performed by them shall have the same force and validity as if performed by the mayor.

Duties of the city clerk as clerk and comptroller.

SECTION 4. There shall be a clerk of said city styled the "city clerk," who shall also be comptroller of said city, who shall be elected by the common council and hold his office at the council chamber. He shall keep the corporate seal and all papers and records of the city, and keep a record of the proceedings of the common council, at whose meetings it shall be his duty to attend. Copies of all papers filed in his office, and transcripts from the records of the common council, certified by him under the corporate seal, shall be evidence in all courts, as if the original were produced. He shall draw and countersign all orders on the treasurer in pursuance of any order or resolution of the common council, and keep a full and accurate account thereof in books provided for that purpose. It shall be the duty of the city comptroller to report to the common council the financial condition of the city. He shall report annually on or about the first day of May, to the common council, an estimate of the expenses of the city, and likewise the revenue necessary to be raised for the current year; and the fiscal year shall commence on the first Monday in May. It shall be the duty of the comptroller to keep regular books of accounts in which he shall enter all indebtedness of

the city, and which shall at all times show the precise financial condition of the city, the amount of orders, or other evidences of indebtedness issued by the common council, the amount of all orders, etc., which have been redeemed and the amount of each outstanding, and to keep an exact account thereof, stating to whom and for what purposes issued, and the amounts thereof; to keep accounts with all receiving and disbursing officers of the city, showing the amounts which they have received from all of the different sources of revenue, and the amount which they have disbursed under the direction of the common council. He shall, before the levy by the council of a special tax, report to the council a schedule of all the lots or parcels of land within the several wards, which, under this act may be subject to any special tax or assessment which it may be necessary to levy on such lot or parcel of land, which said schedule shall be verified by the affidavit of the comptroller, and shall be *prima facie* evidence of the facts therein stated, in all cases wherein the validity of such special tax or assessment shall come in question. The common council shall, if from such report they deem such special tax legal and just, cause the same to be levied in pursuance of the provisions of this act. He shall examine the reports, books, papers, vouchers and the accounts of the treasurer, and from time to time shall perform such other duties as the common council may direct. The comptroller shall keep a record of all his acts and doings, and keep a book in which he shall enter all contracts, with an index thereto. Such records shall be open to the inspection of all parties interested. He shall not be directly or indirectly interested in any contract or job to which the city is a party. The city clerk shall have power to administer oaths and affirmations, and shall receive a salary, which shall be fixed by the common council, at their first meeting in each year, to be paid out of the city treasury.

Police justice.

SECTION 5. A police justice shall be designated and appointed by the common council from one of the four justices of the peace elected in said city, at their first annual meeting after the election of officers, and shall have the power at any time to annul such appointment and to appoint one of the other justices of said city, a police justice. The justices shall hold their

city shall not be liable to said police justice for his said fees, except such as shall accrue on prosecutions for the violation of the charter or ordinances of the city, wherein the offender shall have been discharged from imprisonment or custody by the authority of the common council. Appeals and writs of certiorari may be taken from the police justice in the same manner as from justices of the peace.

Shall make quarterly report.

SECTION 13. The police justice shall quarterly report to the common council a list of all proceedings instituted before him in behalf of the city, and the disposition thereof, and shall at the same time account and pay over to the treasurer the amount of all penalties and fines collected which may by law accrue to the city. The city shall not be liable to pay any cost for violation of any law of this state.

## CHAPTER IV.

The common council and style of ordinances.

SECTION 1. The mayor and aldermen shall constitute the common council, and the style of all ordinances shall be, "the common council of the city of Prairie du Chien, do ordain," etc. The common council shall meet at such time and place as they by resolution shall direct. A majority of the aldermen shall constitute a quorum.

Stated and special meetings.

SECTION 2. The common council shall hold stated meetings, and the mayor may call special meetings, by notice to each of the members, to be served personally or left at their usual place of abode. The common council shall determine the rules of its own proceedings, and be the judge of the election and qualification of its own members, and have power to compel the attendance of absent members.

Special powers of the council.

SECTION 3. The common council shall have the control and management of the finances, and of all property of the city; and shall likewise, in addition to the powers herein vested in them, have full power to make, enact, ordain, establish, publish, enforce, alter, modify, amend and repeal all such ordinances, rules and by-laws for the government and good order of the city, for the suppression of vice and immorality, for the prevention of crime, and for the benefit of trade, commerce and health, as they may deem expedient, declaring and imposing penalties, and to enforce the same

against any person or persons who may violate any of the provisions of such ordinance, rule or by-law, and such ordinances, rules and by-laws are hereby declared to be and have the force of law: *provided*, they are not repugnant to the constitution and laws of the United States; and for these purposes shall have authority, by ordinances, resolutions, or by-laws:

1st. To license and regulate the exhibition of common showmen and shows of any kind, or the exhibition of caravans, circuses or theatrical performances, billiard tables and bowling saloons, and to provide for the abatement and removal of all nuisances, under the ordinances or at common law; and to grant licenses for selling spirituous, vinous or fermented liquors, and regulate groceries, taverns, victualing houses, and all persons vending or dealing in spirituous, vinous or fermented liquors, and to revoke the same for a violation thereof: *provided*, that the sum to be paid for any such license shall not be less than the amount fixed and provided by the laws of this state, and that no license shall be granted for a less time than one year; *and provided further*, that no person thus licensed shall sell or give away any spirituous, fermented or vinous liquors on election days. **License of shows and showmen.**

2d. To restrain and prohibit all descriptions of gaming and fraudulent devices and practices, and all playing of cards, dice or other games of chance, for the purpose of gaming in said city, and to restrain any person from vending, giving or dealing in spirituous or vinous liquors, unless duly licensed by the common council. **Restrain gaming.**

3d. To prevent any riots, noise, disturbance or disorderly assemblages, suppress and restrain disorderly houses or groceries, and houses of ill-fame, and to authorize the destruction of all instruments used for purposes of gaming. **Prevent riots, etc.**

4th. To compel the owner or occupant of any grocery, cellar, tallow-chandler's shop, soap factory, tannery, stable, barn, privy, sewer or other unwholesome or nauseous house or place, to clean, remove or abate the same from time to time, as often as it may be deemed necessary for the health, comfort and convenience of the inhabitants of said city. **Cleanse nauseous places.**

5th. To direct the location and management of slaughter houses and markets, and to prevent the erection, use or occupation of the same, when the offal or **Locate slaughter houses.**

filth therefrom shall discharge into the waters adjoining or in said city, and to establish rates for and license venders of gunpowder, and regulate the storage, keeping and conveying of the same or other combustible material.

Prevent street incumbrances.

6th to prevent the incumbering of the streets, sidewalks, lanes and alleys with carriages, sleighs, boxes, lumber, fire-wood or other materials or substances whatever.

Horse racing.

7th. To prevent horse racing, immoderate riding or driving in the streets, and to regulate the places of bathing and swimming in the waters within the limits of said city.

Running at large of cattle.

8th. To restrain the running at large of horses, cattle, swine, sheep, poultry and geese, and to authorize the distraining, impounding and sale of the same.

Dogs.

9th. To prevent the running at large of dogs, and to authorize the destruction of the same in a summary manner, when at large contrary to the ordinance.

Deposit of putrid carcasses.

10th. To prevent persons from bringing, depositing or having within said city or placing in the waters adjacent to said city, any putrid carcass or any other unwholesome substance, and to require the removal of the same, by any person who shall have upon his premises any such substance, or putrid or unsound beef, pork, fish, hides or skins of any kind, or on default to authorize the removal thereof, by some competent officer, at the expense of such person or persons.

Establish boards of health etc.

11th. To establish and regulate boards of health, provide hospitals and cemetery grounds, regulate the burial of the dead and the return of the bills of mortality, and to exempt burial grounds, set apart for public use, from taxation.

Weight of bread.

12th. To establish the assize and weight of bread and to provide for the seizure and forfeiture of bread baked contrary thereto.

Prevent driving on sidewalks.

13th. To prevent all persons riding or driving any horse, mule, cattle or any other animal on the sidewalks in said city, or in any way doing any damage to said sidewalks.

Shooting off fire-arms.

14th. To prevent shooting off fire arms or crackers, and to prevent the exhibition of fireworks in any situation which may be considered by the council dangerous to the city or any property therein, or annoying to the citizens thereof.

15th. To restrain drunkards, immoderate drinking or obscenity in the streets or public places, and to provide for arresting, removing and punishing any person or persons who may be guilty of the same. Restrain drunkenness.

16th. To restrain and regulate runners and solicitors for boats, vessels, cars, public houses and other establishments. Runners and solicitors.

17th. To make rules and ordinances for the government and regulation of the police of the city. Police regulations.

18th. To regulate the place and manner of weighing and selling hay and measuring and selling fuel, lime and other gross commodities, and to appoint suitable persons to superintend and conduct the same. Weighing of hay, etc.

19th. To compel the owners of buildings or grounds, or the occupants where the same are occupied, to remove snow, dirt or rubbish from the sidewalks, street or alley opposite thereto, and to compel such owner or occupant to remove from the lot owned or occupied by him, all such substances, the common council shall by order direct, and in default, to authorize the removal or destruction of the objectionable substance by some officer of the city, at the expense of such owner or occupant. Clearing of sidewalks.

20th. To make such regulations and provisions for the support of paupers which the city shall be required by law to support, as they may deem expedient, and may charge the county of Crawford with the expenses of keeping, supporting, maintaining and relieving all poor persons for the support and relief of which said county is now chargeable, and said county shall pay the city therefor; but this provision shall not in any manner prevent the proper authorities from abolishing the distinction between town and county paupers, and said city shall be considered a town in relation to town and county paupers. Support of paupers.

21st. To regulate, prevent and control the landing of persons from boats, cars and stages, wherein are contagious and infectious diseases or disorders, and to make such disposition of such persons as to preserve the health of the city, and to adopt such other measures at the expense of the city to prevent the spread of contagious diseases as they may deem proper. Spread of infectious diseases.

22d. To regulate the time, place and manner of holding public auctions and vendues, and to license the same. Public auction

Standard weights and measures.

23d. To provde by ordinance for a standard of weights and measures, and for the punishment of false weights and measures.

Jurisdiction over waters.

24th. The common council shall have jurisdiction over the entire waters bordering on the city, so as to prevent any deterioration of the waters, or any nuisance being cast therein, by which the health of the inhabitants of the city or the purity of the water shall be impaired.

Trees.

25th. To regulate the setting out of ornamental trees in the streets.

Passage and publication of laws and ordinances.

SECTION 4. All laws, ordinances, regulations, resolutions and by-laws shall be passed by an affirmative vote of a majority of the common council, and shall be signed by the mayor, and shall be published in a paper or papers, to be selected by the council, printed in said city, before the same shall be in force; and within fifteen days thereafter, they shall be recorded by the city clerk, in a book to be provided for that purpose; but before any of said laws, ordinances, regulations or by-laws shall be recorded, the publication thereof respectively, within the same time, shall be proved by the affidavit of the foreman or publisher of such newspaper, and the said affidavit shall be recorded therewith, and at all times shall be deemed and taken as sufficient evidence of the time and manner of such publication.

Common nuisances.

SECTION 5. The power conferred upon the said council to provide for the abatement or removal of nuisances, shall not bar or hinder suits, prosecutions or proceedings in the courts according to law; gambling houses, houses of ill-fame, disorderly taverns and houses or places where spirituous, vinous or fermented liquors are sold without the license required thereof; houses or buildings of any kind wherein more than ten pounds of gunpowder are deposited, stored or kept, at any one time, are hereby declared and shall be deemed public or common nuisances.

Examination of accounts and exhibition of books, etc.

SECTION 6. The common council shall examine, audit and adjust the accounts of the clerk, treasurer, street commissioner and all other officers and agents of the city, entitled to the same, at such time as they may deem proper, and also at the end of each year and before the term for which the officers of said city are elected or appointed shall have expired; and the common council shall require each and every such officer and

agent to exhibit his books, accounts and vouchers for such examination and settlement, and if any such officer or agent shall refuse to comply with the orders of the council in the discharge of their said duties, in pursuance of this section, and shall neglect or refuse to render his accounts or present his books and vouchers to said council, it shall be the duty of the common council to declare the office of such person vacant; and the common council shall order suits and proceedings at law against any officer or agent of said city who may be delinquent or defaulting in his accounts or in the discharge of his official duties, and shall make a full record of all such settlements and adjustments.

## CHAPTER V.

**May order new survey of street**

SECTION 1. Upon application in writing of the resident owners of three-fourths of the lots upon any street, or upon that part of any street in which the grade is proposed to be changed, the common council shall have power to cause a new survey to be made, and to alter such grade or establish a new one in such street or part of street set out in such application, as the public good may seem to require.

**Recovery of damages.**

SECTION 2. Any person not being a signer of such application, who shall claim to have sustained damage by such change of grade, shall have his right of action against the city for the recovery of the same. The signing of such application shall be taken and construed as a release of all claims for damages of every such signer.

**Levy and assessment of highway tax.**

SECTION 3. The common council shall have power to levy a highway tax or tax for streets and bridges of not exceeding seven mills on the dollar in each and every year, which with other taxes shall be extended upon the assessment roll by the clerk of said city, as hereinafter provided. And the assessor shall, at the time of assessing the property of said city, make out a complete list of all persons who are by the general laws of the state required to pay a poll-tax; which poll-tax shall be extended on the assessment roll against such person so liable to pay the same, and collected in the same manner as other taxes.

**Cleansing of streets and sidewalks.**

SECTION 4. It shall be the duty of the senior alderman in office of each ward to see that all the ordi-

nances of the city relating to the obstruction and cleansing of sidewalks, streets, alleys, public grounds, reservoirs, gutters, sewers, waters and water courses within their respective wards are duly observed and kept, and direct and control the persons employed therein. The aldermen in each ward shall have a general supervision over all work let by contract for the improvement of streets or sidewalks in their respective wards, unless the common council shall otherwise provide.

Petition for construction of sidewalk.

SECTION 5. Upon a petition to the common council of two-thirds of the owners of lots in front of which any sidewalk or gutter is proposed to be built, such sidewalk or gutter not less than a block in lineal frontage, shall by the common council, be ordered to be constructed upon the proper established grades of any street in said city, of such width, in such manner, of such materials and in such time as the common council, by ordinance, resolution or order shall direct, by the owner or owners of any lot or piece of ground in front of which such sidewalk shall be ordered. If the owner or owners of any such lot or piece of ground shall not construct such sidewalk or gutter as aforesaid, the common council may cause the same to be constructed at the expense of such owner or owners. The contract for the construction of any such sidewalk shall be let to the lowest bidder, and notice shall be given by publication in the official paper of the city, for at least ten days prior to the time, of the place and manner of opening such bids. The common council shall levy a special tax upon such lot or piece of ground in front of which any sidewalk shall be constructed by contract, sufficient to pay the cost of constructing the same: *provided*, that no such contract shall be let until sixty days after notice shall have been given to such owner or owners of the ordinance, resolution or order requiring the construction of such sidewalk, by the publication of the same at least ten days in the official paper of the city.

Contract.

How moneys to be expended.

SECTION 6. All moneys expended by the common council in the improvement of streets, (sidewalks excepted), shall be expended upon the streets in the several wards, unless the common council shall otherwise direct.

## CHAPTER VI.

SECTION 1. All funds in the city treasury exclusively belonging to the city shall be under the control of the common council, and shall be drawn out upon the order of the mayor, countersigned by the clerk, duly authorized by a vote of the common council, and in no other manner; and all orders drawn upon the treasurer shall specify the purpose for which they are drawn, and shall be payable generally out of any funds in the treasury belonging to the city; and all such orders shall be received in payment of any debt or demand due to, or tax or assessment levied by authority of the city, except taxes levied for school purposes. **Exclusive control of funds.**

SECTION 2. No debt shall be contracted against the city, nor order drawn upon the city treasury, unless the same shall be authorized by a majority of the common council, and the vote authorizing the same shall be entered by ayes and noes upon the journal of the council, and no money shall be appropriated for any purpose whatever, except such as is expressly authorized by this act. **How city debt to be authorized**

SECTION 3. All forfeitures and penalties accruing to the city for a violation of this act, or any of the ordinances, by-laws, rules and regulations of the city, and all moneys received for licenses, shall be paid into the city treasury and become part of the general fund, except as otherwise provided by this act. No penalty or judgment recovered in favor of the city shall be remitted or discharged, except by a vote of two-thirds of all the aldermen elect. **Penalties and licenses to be paid into treasury.**

SECTION 4. All property, real or personal, within the city, except such as may be exempt by the laws of the state, shall be subject to annual taxation for the support of the city government and the payment of its debts and liabilities, and the same shall be assessed in the manner hereinafter provided. The assessor elect under this act shall have and possess the same powers that are or may hereafter be conferred upon township assessors, except so far as they may be altered by this act: *provided, however*, that the common council may prescribe the form of assessment rolls, and more fully define the duties of the assessor and make such rules and **Subject to annual taxation.**

regulations in relation to revising, altering or perfecting such rolls as they may from time to time deem advisable.

Objection to assessment.

SECTION 5. On the first and second Mondays of July, and at such time and times as he may appoint, the assessor shall meet at the common council chamber for the purpose of hearing any objections of parties deeming themselves aggrieved by such assessment, and after hearing the same the assesser shall make such alteration or revision as justice or equity may require.

Return and equalization of assessment roll

SECTION 6. On or before the last day of July in each year, the assessor shall return his assessment roll to the common council, by depositing the same with the clerk; the common council may supply omissions in said roll, and for the purpose of equalizing the same, may alter, add to, take from and otherwise revise and correct the same, but shall not have power to increase the amount of said assessment except by the value of such real property as may have been omitted by the assessor.

Filing of assessement roll. and determination of amount of taxes.

SECTION 7. When the assessment roll shall have been revised and corrected, the same shall be filed with the clerk, and an order approving the same shall be entered in the proceedings of the common council on the first Monday of August in each year or within ten days thereafter; the common council shall determine the amount of taxes to be levied for general city purposes, and also the amount of tax necessary to be levied for school purposes, streets and bridges, and shall by resolution levy the same, but no such resolution shall be adopted except by a vote of two-thirds of the members elect, which shall appear in the proceedings of the common council.

Assessments to be a lien upon property.

SECTION 8. All assessments, general or special, levied under this act, shall be and remain a lien upon the lands and tenements upon which they may be assessed, from the date of the warrant for the collection thereof until such taxes shall be paid, and no sale or transfer of such real property shall affect such lien; any personal property belonging to the person taxed may be taken and sold for the payment of taxes upon personal property.

Copy of assessment to be sent to county clerk.

SECTION 9. Before the annual meeting of the board of supervisors of the county of Crawford, and by the time required by the laws of the state for the return of

assessments from the several towns, the city clerk shall transmit a copy of the assessment roll to the clerk of the board of supervisors of said county, who shall lay the same before said board as required by law.

City to be regarded as a town.

SECTION 10. The board of supervisors shall have the right to regard the city of Prairie du Chien as a town, in equalizing the assessment rolls of the several towns of said county, as provided by law.

Levy of county and state tax.

SECTION 11. The said board of supervisors may levy a tax or taxes, as now is or may hereafter be provided by law in relation to towns, but shall proceed therein without regard to the division of the city into wards, and shall cause the amount of taxes to be levied to be certified to the city or city clerk, in the manner provided by law in relation to towns or town clerks; and in all transactions of the board of supervisors of said county, said city shall be regarded as a town, except as herein otherwise provided.

City clerk to make out assessment roll.

SECTION 12. Upon receiving the statement of the amount of taxes so levied, the city clerk shall make out upon the assessment roll, in columns left for that purpose, or upon a copy thereof, a complete statement of the several taxes levied for the state, county, city or other purposes, and all delinquent taxes, if any, of previous years, and all special taxes levied by the common council since the making out of the last annual tax list, in such separate columns as may be necessary with the total footing carried out opposite each tract or lot of land or person named therein; which statement shall be called the tax list of the city of Prairie du Chien, and shall be preserved by said clerk as a record in his office, and shall have the same legal force and effect as the records of the common council.

Tax list to be *prima facie* evidence.

SECTION 13. The tax list made out and preserved as aforesaid, shall be *prima facie* evidence in every court of record in this state, that any act or thing required by law to be done, relating to assessors or levying taxes, from the election of officers to the completion of the tax list inclusive, has been done regular, correct and as required by law.

Clerk to make duplicate copy of tax list.

SECTION 14. Immediately after making out the tax-list aforesaid, the clerk shall make out a duplicate copy thereof, to which shall be appended a warrant signed by the mayor and clerk, and sealed with the corporate seal of said city, directed to the treasurer, requiring and

commanding him to collect the taxes and assessments specified in said duplicate copy of the tax-list, in the manner provided by law; and the said clerk shall, on or before the 25th day of December of the said year, or as soon thereafter as practicable, deliver the same to the city treasurer for collection, and make a record of said delivery of the tax-list preserved in his office.

Treasurer to collect tax.

SECTION 15. The city treasurer, upon the receipt of such duplicate copy of the tax-list, shall proceed to collect the same in like manner, and shall have like powers and be subject to like requirements, liabilities and restrictions as town treasurers, except as otherwise provided in this act. The city treasurer shall receive one per cent. fees upon all taxes paid to him before the first day of January, and three per cent. fees upon all taxes collected after that time, to be added to the amount of taxes, and collected with the same, which shall be in full for all services performed by said treasurer under this act or the ordinances of the city.

City treasurer to make return to county treasurer.

SECTION 16. At the time provided by law for town treasurers to make their returns to county treasurers in each year, the said treasurer shall make out and return to the treasurer of Crawford county, a list of all lands and lots upon which the taxes have not been paid, and shall also settle and pay over all moneys properly payable to said county treasurer in like manner as now is or hereafter may be required of town treasurers. The said treasurer shall also by the same time, make out and deliver to the city clerk a list of all delinquent personal property taxes and poll taxes for the same year. The county treasurer shall add the same interest, penalties or fees to such delinquent returns as allowed or required by law upon delinquent returns from the several towns.

Sale of delinquent lands.

SECTION 17. The county treasurer shall sell all delinquent lands and lots returned from the city of Prairie du Chien, at the same time and in the same manner as other delinquent lands are sold in said county.

All property liable to special taxation.

SECTION 18. All real estate exempt from taxation by the laws of this state shall be subject to all special taxes for the building of sidewalks and improvement of streets in front of the same.

How farming lands to be assessed.

SECTION 19. All lands lying within the city limits used or kept for farming purposes, and not divided and laid out into lots, or lots and blocks, and all out lots

not subdivided and numbered by such subdivisions, shall be assessed at a moderate cash value by the acre, and shall not be subject to any special tax.

SECTION 20. All the directions hereby given, except in section nine of this chapter, for the assessing of lands, and the levying, collection and return of taxes and assessments shall be deemed only directing [directory]; and no error or informality in the proceedings of any of the officers entrusted with the same, not affecting the substantial justice of the tax itself, shall vitiate, or in anywise affect the validity of the tax or assessment. **Provisions to be regarded as only directory.**

## CHAPTER VII.

SECTION 1. The common council shall have power to authorize the formation of hook and ladder and hose companies and fire companies, and to provide for the due and proper support and regulation of the same, and to order such companies to be disbanded, and their meetings to be prohibited and their apparatus to be delivered up. **May authorize fire companies, etc.**

## CHAPTER VIII.

SECTION 1. All work for the city or either ward thereof, shall be let by contract to the lowest responsible bidder, and due notice shall be given of the time and place of letting such contract. **All work to be let by contract.**

SECTION 2. All actions brought to recover any property or forfeiture under this act, or the ordinances, by-laws, police or health regulations, made in pursuance thereof, shall be brought in the corporate name of the city. All prosecutions may be commenced by summons or by warrant, as the exigencies of the case may seem to require: *provided*, that nothing herein contained shall be so construed as to prevent any peace officer from arresting, without process, any person found in a state of intoxication or guilty of immoderate drinking, improper reveling, obscenity or noisy, boisterous or disorderly conduct in the streets or public places, and taking such person or persons forthwith before the police justice, or keeping them in confinement until such time as such justice can reasonably hear and dispose of such offender. **How actions to be brought and prosecuted.**

Issue of executions and what they shall contain.

SECTION 3. Execution shall issue forthwith on the rendition of judgment, unless the same be stayed or appealed according to the laws of this state. The execution, except in cases ex-contractu, shall require the defendant in any such action, in case no goods or chattels, lands or tenements whereof the judgment can be found, to be imprisoned in the jail of Crawford county for a term not exceeding three months, in the discretion of the justice or judge rendering judgment, unless the same be sooner paid, or discharged by the common council or otherwise, according to law.

Not to render incompetent.

SECTION 4. No person shall be an incompetent judge, justice, witness or juror, by reason of his being an inhabitant of said city, on any proceeding or action in which the city shall be a party in interest.

Failure to hold election not to affect the corporation.

SECTION 5. If any election by the people or common council shall not, for any cause be held at the time or in the manner herein prescribed, or if the common council shall fail to organize as herein provided, it shall not be considered reason for arresting, suspending or absolving said corporation, but such election or organization may be had on any subsequent day by order of the mayor; and if any of the duties enjoined by this act, or the ordinances or by-laws of the city to be done by any officer, at any time specified, and the same are not done and performed, the common council may appoint another time at which said acts may be done or performed.

How process to be served upon the city.

SECTION 6. Whenever any suit or action shall be commenced against said city, the service thereof may be made by leaving a copy of the process with the mayor, and it shall be the duty of the mayor forthwith to inform the common council thereof, to take such other proceedings as the ordinances and resolutions of said council may provide.

May hold real or personal property.

SECTION 7. Said city may lease, purchase or hold real or personal property sufficient for the convenience of the inhabitants thereof, and may sell and convey the same, and the same shall be free from taxation.

General laws not to affect this act.

SECTION 8. No general law contravening the provisions of this act shall be considered as repealing, amending or modifying the same, unless such purpose is expressly set forth in such law.

Connection between town and city dissolved.

SECTION 9. From and after the second Monday of April, A. D. 1872, the connection between the town of

Prairie du Chien and that part of said town included within the city limits, for all town purposes, shall be disssolved. The duties now and hereafter imposed upon supervisors and other town officers, so far as they relate to the city of Prairie du Chien, shall be performed by the aldermen of the several wards and the officers of said city. All that part of the town of Prairie du Chien not included within the city limits, shall constitute the town of Prairie du Chien, and the first town meeting shall be held at such place as the chairman of the board of supervisors of said town shall appoint: *provided, however*, that all those parts of the town of Prairie du Chien within the limits of school districts No. one and No. four of said town, shall be attached to the city school district for school purposes, and be subject to like school taxes, and be subject to the laws of joint school districts.

**City to be represented in board of supervisors.**

SECTION 10. The city of Prairie du Chien shall be represented in the board of supervisors of the county of Crawford by one supervisor from each ward, and the senior alderman in office shall be the supervisor from his respective ward. The alderman acting as supervisor shall have power to substitute any other alderman in his ward to act in his stead.

**Not to receive salary.**

SECTION 11. No compensation or salary shall be paid out of the city treasury to the mayor or any alderman of said city for his services, and they are hereby prohibited from being in any manner interested in any contract made by the authority of said city.

**Issuing of licenses.**

SECTION 12. Every license issued by the authority of this act, or the ordinances of the city, shall be signed by the city clerk, and sealed with the corporate seal, but no such license shall be issued by said clerk until the person applying for the same shall have deposited with the clerk, the receipt of the city treasurer for the amount required to be paid therefor, nor shall any license be issued for dealing in, selling or vending spirituous, vinous or malt liquors, until the same shall have been authorized by the common council and the applicant shall have filed his receipt as aforesaid, together with a bond, as required by the laws of this state, which bond shall be approved, either by the mayor or common council, and the minimum sum fixed by the laws of this state, to be paid for any such license, shall be paid to the city treasurer in money.

Every such license shall contain a clause prohibiting the selling, vending or giving away of any spirituous, vinous or malt liquors on general or special election days.

Penalty for violation of license.

SECTION 13. Every person having such license who shall vend, sell or give away any spirituous, vinous or malt liquors on any election day, shall be liable to prosecution under this act, or the ordinances of the city, or may be indicted or prosecuted by information in the circuit court of Crawford county, and upon conviction thereof, any such offender shall forfeit and pay a sum not exceeding two hundred dollars, nor less than fifty dollars, or be imprisoned in the jail of Crawford county, not more than thirty days nor less than ten days, at the discretion of the court, and the license held by such person shall be forfeited and void.

City may use county jail.

SECTION 14. The use of the jail of Crawford county until otherwise provided, shall be granted to said city for the confinement of offenders, and every such offender shall be delivered to the sheriff of said county, for whose custody, safe keeping and delivery, the said sheriff shall be responsible as in other cases.

Private property not liable for city debt.

SECTION 15. No real or personal property of any inhabitant of said city or any individual or corporation shall be levied upon or sold by virtue of any execution issued to satisfy or collect any debt, obligation or contract of said city.

How judgments collected of the city or its officers.

SECTION 16. When a judgment shall be recovered against said city or any ward thereof, or against any officer of said city or of any ward thereof, in any action prosecuted by or against him, in his name of office, when the same should be paid by the city or any ward thereof, no execution shall be issued or awarded upon such judgment, except as hereinafter provided; but the same, unless reversed, shall be levied and collected as other city or ward charges, and when so collected, shall be paid by the city treasurer to the person to whom the same shall be adjudged, upon the delivery of a proper voucher therefor; but if the payment thereof be not made within sixty days after the city treasurer is required to make his return of city or ward taxes, next after the rendition of such judgment, execution may be issued thereon, upon the order of the court authorized to issue execution on special application therefor.

SECTION 17. The moneys in the hands of the town treasurer of the town of Prairie du Chien, and all sums due from the county of Crawford to said town by reason of delinquent taxes or otherwise, and all sums due to said town from all other sources, on the first Monday of April, 1872, shall be divided between said town and said city in proportion to the value of the taxable property of each, which shall be ascertained and agreed upon by the town treasurer of said town and city treasurer of said city, and the assessment roll for the year 1871 shall be the basis of such agreement; and when the proper amount due the city from said town, county and other sources shall be so ascertained, the same shall be paid to the treasurer of said city on demand of said treasurer for the use of said city, and shall become the moneys and funds of said city. How public moneys to be divided.

SECTION 18. The common council shall have power to appropriate a sum not exceeding five hundred dollars annually, for the purpose of repairing and maintaining highways leading into the city, which shall be expended under the direction of the common council. Annual appropriation for highways.

SECTION 19. This act shall be considered a public act, and shall be construed favorably in all courts and places.

SECTION 20. This act shall take effect and be in force from and after its passage.

Approved March 6, 1872.

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## CHAPTER 22.

[*Published March* 8, 1872.]

AN ACT to amend chapter 500 of the private and local laws of 1868, entitled "an act to consolidate and amend an act to incorporate the city of Madison and the several acts amendatory thereof," approved March 6, 1868.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. The common council of the city of Madison shall have power and authority to convert the foot of Wisconsin avenue, between Wilson street and May convert street into public park and change its name

Lake Monona, into a public park, and to exclude teams therefrom, and also upon petition of the inhabitants living thereon to change the name of that part of Wisconsin avenue, lying between the Capitol park and Lake Monona, to Monona avenue, and may also upon like petition, change the name of such part of any other avenue or street as shall be disconnected from the avenue or street bearing the same name.

Prohibited from contracting debt.

SECTION 2. The common council of the city of Madison shall have no power or authority, and they are hereby prohibited from borrowing any money or from authorizing any city officer to borrow money for the use of the city; nor shall they have power or authority to contract or create any debt for any purpose whatever, unless there is money in the city treasury for the payment of the same, except for such work on the streets as shall be paid for by special tax or assessment on the property benefited thereby: *provided, however*, that said council, during the present year in cases of emergency or necessity, may make temporary loans of money for current expenses, but no such loan or loans shall exceed the sum of five hundred dollars in any one month, and all such loans shall be paid out of the taxes assessed in the year 1872, for general city purposes; but after the year 1872, no such loans shall be made, and any loan made or debt created or authorized by the mayor or council contrary to the provisions of this act shall be void.

Not to order sidewalks except on petition of owners of lots.

SECTION 3. The common council shall not order the construction of any sidewalk or gutter, or the grading or paving of any street or part of street, which is to be paid for in whole or in part by special taxes or assessments, except on petition of the owners of at least one-half of the property to be taxed or assessed for the payment of the same; and all such work, when ordered, shall be let by contract to the lowest bidder, except the repair of sidewalks, which may be done as now provided in the city charter.

Limitation of taxes.

SECTION 4. At the time of levying taxes each year as provided in the city charter, the common council may levy a tax for general city purposes, but no such tax shall exceed the sum of fifteen thousand dollars in any one year; but this section shall not be so construed as to effect or prevent levying taxes for the current expenses of common schools, or for the payment

of principal or interest on the bonded debt of the city, or for the payment of amounts voted to the Madison and Portage and Baraboo Air Line Railroads or special assessments, but shall include and cover all other taxes.

SECTION 5. The city treasurer shall charge and collect one per cent. fees upon all taxes paid on or before the tenth day of January in each year, and upon all taxes paid after that day, he shall charge and collect two per cent. fees, but the whole compensation of the city treasurer shall in no case exceed eight hundred dollars a year, and all fees collected by him exceeding that amount shall be paid by him into the general fund of the city: *provided, however*, that the provisions of this section shall not apply to the treasurer now in office. **Fees of the city treasurer.**

SECTION 6. All funds coming into the city treasury shall be appropriated and used exclusively for the purpose for which said funds were raised and for no other purpose whatever, and any conversion or appopriation of any of the funds of the city to persons, or for purposes not authorized by the city charter, by the common council, shall be deemed a misdemeanor on the part of each and every member of the common council voting for the same and each and every member thereof so voting may be prosecuted and punished as provided in section twelve of chapter eleven of the city charter for other similar offenses. It shall not be lawful for the city treasurer to pay out any funds in his hands that were raised for any particular or specified purpose, on appropriations or orders made by the common council, for any other purpose than that for which such funds were raised; and any violation of this act shall be deemed a misdemeanor, and upon conviction thereof, such treasurer shall be fined in a sum not less than ten nor more than one hundred dollars and costs of suit, and shall also be liable on his official bond for the repayment of all such sums of money; and the city or any person or persons having claims against the fund so misapplied may sue for and recover the same. **Funds not to be misapplied.**

SECTION 7. No ordinance, by-law, resolution or order passed by the common council shall have any force or effect, until approved and signed by the mayor, and the president of the council, as acting mayor shall sign no ordinance, by-law, resolution or order that the mayhas refused to sign, and made known such refusal to the council, the action of the mayor being final there- **When ordinances, etc., to take effect.**

on. No per diem whatever shall be paid to any police officer in the city, and they shall receive only such fees as are authorized by the city charter.

SECTION 8. All acts and parts of acts contravening the provisions of this act are hereby repealed.

SECTION 9. This act shall take effect and be in force from and after its passage.

Approved March 6, 1872.

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## CHAPTER 23.

AN ACT to amend section three of chapter twenty three of the private and local laws of 1867, entitled "an act to incorporate the Wisconsin yearly meeting of Free Will Baptists."

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Amended.

SECTION 1. Section three of chapter twenty-three of the private and local laws of 1867 is hereby amended by inserting in the fourth line of said section, after the word, "such," the words, "time and."

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 6, 1872.

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## CHAPTER 24.

[*Published March* 7, 1872.]

AN ACT to amend chapter ten of the private and local laws of 1871, entitled "an act to authorize the city of Appleton to fund its corporate indebtedness, and to limit the amount of its bonded indebtedness."

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Repealed.

SECTION 1. The ninth and tenth sections of chapter ten of the private and local laws of 1871 are hereby repealed, but the repeal of said sections nine and

ten shall not affect any rights existing or any suits pending at the time this act takes effect.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 6, 1872.

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## CHAPTER 25.

[*Published March* 8, 1872.]

**AN ACT to provide for the application of the five per cent. collector's fees on delinquent taxes in the county of Polk.**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. The five per cent. collector's fees on taxes returned as delinquent in the county of Polk, pursuant to section ninety-five of chapter eighteen of the revised statutes, for the years 1870 and 1871, and all such collection fees which may hereafter be returned as delinquent to the county treasurer of said county of Polk, pursuant to said section ninety-five, for any year or years subsequent to 1871, are hereby declared to belong to the town treasurers making return thereof; and the county treasurer of said county is hereby authorized and required to pay to each of the town treasurers of his county returning any of such collection fees as aforesaid, the amount of such collection fees so returned by such town treasurer. The sums so paid, evidenced by the receipts of the town treasurers shall be allowed to said county treasurer on settlement of his accounts with the county. **Collector's fees belong to treasurers.**

SECTION 2. Section ninety-seven (97) of said chapter eighteen (18) of the revised statutes shall not apply to the county of Polk. **Not to apply.**

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved March 6, 1872.

## CHAPTER 26.

[*Published March* 11, 1872.]

AN ACT to legalize the assessment and collection of taxes in the town of Peshtigo, Oconto county.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Legalized.

SECTION 1. The assessment and collection of taxes in and for the town of Peshtigo, Oconto county, for the year 1871, is hereby legalized and declared valid.

SECTION 2. This act shall be in force from and after its passage and publication.

Approved March 7, 1872.

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## CHAPTER 27.

[*Published March* 8, 1872.]

AN ACT to legalize, ratify and confirm acts of the city of Appleton.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Legalized.

SECTION 1. The action of the city of Appleton in voting on the 29th day of July, 1871, to subscribe for one hundred thousand dollars of stock of the Appleton and New London Railway Company, and to pay for the same at par, in the corporate bonds of said city, is hereby fully ratified and confirmed, and no law heretofore passed shall be so construed as to prevent said city from fully carrying out and discharging the aforesaid obligation to its full extent.

Deemed conclusive evidence.

SECTION 2. Whenever any subscription on behalf of said city is made on the capital stock subscription book of said company, and bonds in payment thereof issued, such subscription and bonds shall in all courts and places and for all purposes be deemed and held conclusive evidence of the facts, matters and things

therein stated, and of the regularity, legality and validity of all proceedings and conditions precedent thereto.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 7, 1872.

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## CHAPTER 28.

AN ACT to repeal chapter 481 of the private and local laws of 1867, entitled "an act to incorporate the Appleton Lieder Kranz Society."

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Chapter 481 of the private and local laws of 1867, entitled "an act to incorporate the Appleton Lieder Kranz Society," and the several acts amendatory thereof are hereby repealed. Repealed.

SECTION 2. This act shall take effect from and after its passage.

Approved March 8, 1872.

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## CHAPTER 29.

[*Published March* 12, 1872.]

AN ACT to provide for the application of tolls collected for crossing the Wisconsin river bridge, at the city of Portage.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. The mayor and common council of the city of Portage are hereby authorized and empowered to apply to the improvement of roads leading from the Wisconsin river bridge in said city, to the Baraboo river in the town of Caledonia, all tolls collected for crossing said bridge in excess of the amount needed for repairs, or such portion thereof as may be deemed How to apply tolls.

proper and expedient, and for this purpose may anticipate the revenues to be derived from such tolls.

How moneys to be expended.

SECTION 2. The expenditure of moneys hereby authorized shall be made under such regulations as may be provided by ordinance or resolution of the common council of the city of Portage.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 8, 1872.

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## CHAPTER 30.

[*Published March* 12, 1872.]

AN ACT to repeal part of chapter one hundred and sixty-three (163) of the private and local laws of 1866, entitled "an act to amend an act, entitled an act to consolidate and amend an act to incorporate the city of Watertown, and the several acts amendatory thereof."

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Repealed.

SECTION 1. Section eight (8) and the latter clause of section four (4), commencing at the seventeenth line thereof, with the words, "section eight," to the end of said section four (4) of said chapter one hundred and sixty-three (163) of the private and local laws of 1866, are hereby repealed, and the provisions of law affected by said section and clause hereby repealed, are hereby re-enacted with the same force and effect, and no greater or other than as if the section and clause hereby repealed had never been enacted.

Re-enacted.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 8, 1872.

## CHAPTER 31.

[*Published March* 12, 1872.]

AN ACT to amend and repeal certain sections of chapter 233 of the general laws of 1865, entitled "an act to consolidate and amend an act to incorporate the city of Watertown, and the several acts amendatory thereof."

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Section two (2) of chapter five (5) of said chapter two hundred and thirty-three (233) of the general laws of eighteen hundred and sixty-five, is hereby amended so as to read as follows: The common council shall annually levy upon the property liable to taxation in each ward, a tax not exceeding one-half of one per cent. per annum, to defray the current expenses of said ward; and the tax annually levied to defray the current annual expenses of said city for general purposes, to be paid out of the general fund, shall not exceed four-tenths of one per cent.

Amended.

Shall levy tax for current expenses.

SECTION 2. Section twelve (12) of chapter nine (9) of said chapter two hundred and thirty-three (233) of the general laws of eighteen hundred and sixty-five is hereby repealed, and the several sections repealed by said section twelve are hereby re-enacted with the same force and effect, and no other force and effect, than if said section twelve had never been enacted.

Repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved March 8, 1872.

## CHAPTER 32.

AN ACT to legalize the official acts of Harris Searl as justice of the peace.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Legalized.

SECTION 1. That all the official acts of Harris Searl as justice of the peace or police justice of the village of Augusta, in the county of Eau Claire in this state prior to the passage of this act, so far as the same are consistent with the general laws of this state, are hereby legalized and declared to be as valid for all purposes as though the oath of office required by him to be filed in conformity to the statutes of this state had been complete in every respect, and in conformity to the said statutes.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 8, 1872.

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## CHAPTER 33.

[*Published March* 12, 1872.]

AN ACT to detach certain territory from the county of Jackson, and annex the same to the county of Wood.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Territory detached.

SECTION 1. The following described territory, to-wit: township twenty-one (21) north, of range two (2) east, and township twenty-one (21) north, of range three (3) east, and all of township twenty-two (22) north, of range two (2) east, except sections one (1), two, (2), three (3), four (4), five (5), six (6), seven (7), eight (8), nine (9), ten (10), eleven (11) and twelve (12), and all of township twenty-two (22) north, of range three (3) east, except sections one (1), two (2), three (3), four (4), five (5), six (6), seven (7), eight (8), nine (9), ten (10),

eleven (11) and twelve (12), is hereby detached from the county of Jackson, and is hereby attached to and shall hereafter consititute a part of the county of Wood.

Taxes to be collected and disbursed.

SECTION 2. All taxes assessed previous to the passage of this act, against any property, real or personal, within the territory described in section one (1) of this act, shall be collected and disbursed in the same manner, and all steps to be taken or proceedings to be had by any officer or person whomsoever, necessary for the collection or disbursement or both, of any such tax, shall be so taken and had precisely in the same manner, at the same times and by the same persons or officers, as if this act had not been passed.

Suits to be prosecuted to judgment.

SECTION 3. All suits or actions at law, commenced and undetermined when this act shall go into effect, to which any resident within the territory described in section one (1) of this act shall be a party, may be prosecuted to final judgment in the same manner, and with the same effect as if the boundaries of said counties of Jackson and Wood had not been changed, but transcripts of such judgments may be filed, and executions upon the same issue, in the manner now provided for by law.

Register to make certified copies of records.

SECTION 4. The register of deeds of the county of Jackson is hereby required, as soon after the first day of May, A. D. 1872, as practicable, to make a certified copy of all records in his office relating to the title of real estate within the territory described in section one of this act, except such as shall have been recorded in Wood county before the passage of this act, and transmit the same to the register of deeds of Wood county, who shall record the same in his office, and such records, when completed, shall be legal evidence of the same facts and to the same extent as said original records now are by law. The services in this section required to be performed by the register of deeds of Jackson county shall be paid for by Jackson county, and the services herein required to be performed by the register of deeds of Wood county shall be paid for by Wood county.

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved March 9, 1872.

## CHAPTER 34.

[*Published March* 11, 1872.]

AN ACT to amend and restrict chapter 210 of the local laws of 1870, entitled "an act to authorize the county of Wood to aid in the construction of railroads."

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Section one amended.

SECTION 1. Section one of chapter two hundred and ten of the local laws of the year 1870, entitled "an act to authorize the county of Wood to aid in the construction of railroads," is hereby amended by adding to the end of said section one, the following words: *provided*, that no more than one hundred thousand dollars of such bonds shall be issued for the purpose of aiding in the construction of any one railroad, or to any one railroad company.

Section three amended.

SECTION 2. Section three of said act is hereby amended by striking out the words, "one hundred and fifty thousand dollars," where they occur and inserting in lieu thereof the words, "one hundred thousand dollars;" also by striking out all that portion of said section that authorizes the delivery of any portion of such bonds to the Wisconsin Valley Railroad Company, before the completion of said road to the city of Grand Rapids or the village of Centralia.

Section four amended.

SECTION 3. Section four of said act is hereby amended by striking out the word, "twenty," where it occurs in said section, and inserting in lieu thereof the word, "six."

SECTION 4. This act shall take effect and be in force from and after its passage.

Approved March 9, 1872.

## CHAPTER 35.

[*Published March* 12, 1872.]

AN ACT for the preservation of fish in Lake Koshkonong.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. It shall not be lawful to take or catch fish with a hook upon or through the ice, in Lake Koshkonong, lying in the counties of Rock, Dane and Jefferson, of this state, and any person violating the provisions of this act shall be deemed guilty of a misdemeanor, and shall be punished by a fine of not less than five dollars, nor more than fifty dollars, and the justices of the peace of the said counties of Rock, Dane and Jefferson, shall have jurisdiction over all offenses under this act, in their respective counties. Not lawful to catch fish. Penalty.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 9, 1872.

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## CHAPTER 36.

[*Published March* 14, 1872.]

AN ACT to amend chapter one hundred and forty of the private and local laws of 1856, entitled "an act in relation to the public schools in the city of Watertown."

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. The board of education of the city of Watertown are hereby authorized, subject to the control and regulation of the common council of said city, to levy at any time once in each year, a tax not exceeding five mills on the dollar on the real and personal property of said city subject to taxation, for the support of the schools of said city, and to pay for school houses, and the same shall be forthwith collected May levy city tax for schools.

whenever levied, in the same manner as general taxes are collected, and the city clerk shall enter the same in a tax roll like other taxes.

If board of supervisors neglect, may also levy county school tax.

SECTION 2. In addition to the above tax, whenever the county board of supervisors of Dodge or Jefferson county shall neglect, refuse or fail, or if at any time they have neglected, refused or failed to levy the necessary and proper county school tax for said city, on the property of any ward or wards thereof, the said board of education, subject as aforesaid, to the regulation and control of the common council of said city, shall have the power to levy the same at any time upon the said ward or wards, and certify the same to the city clerk of said city, who shall enter them in the tax roll of said city, either for general or special taxes, as he may be directed by the said board of education, and the same shall be collected in the same manner as general taxes are collected.

Must be two-thirds vote.

SECTION 3. The affirmative votes of two-thirds of all the members constituting by law said board of education shall be necessary to levy any of the taxes hereby authorized.

SECTION 4. This act shall take effect and be in force from and after its passage.

Approved March 9, 1872.

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## CHAPTER 37.

[*Published March* 12, 1872.]

AN ACT to legalize the acts of N. D. Comstock in making and filing an affidavit of the posting of the tax sale notice of 1863, in Trempealeau county.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Legalized and declared valid.

SECTION 1. The acts of Noah D. Comstock, late county treasurer of Trempealeau county, in making and filing in the county clerk's office of said county, on the 10th day of October, 1871, an affidavit of the posting of copies of the county treasurer's statement,

and notice of the sale of lands for unpaid taxes, in the year 1863, in the county of Trempealeau, are hereby legalized, and the said affidavit by him so filed shall be held to be valid and sufficient, and shall be evidence of the facts therein contained in all courts and in all actions; and the said affidavit shall have the same force and effect for all purposes and in all actions as if the same had been made and filed immediately after the close of the tax sale of 1863, in said county.

SECTION 2. This act shall be in force and take effect from and after its passage and publication.

Approved March 9, 1872.

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## CHAPTER 38.

AN ACT to authorize Reuben C. Lyon to erect and maintain a dam in the Wisconsin river.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Reuben C. Lyon, his associates, heirs and assigns are hereby authorized and empowered to erect, keep up and maintain a dam across the main channel of the Wisconsin river, on section eight (8), town twenty-two (22) north, of range six (6) east, between the place known as the "Grand Chute," and the place known as "the Locker Rock," at or within four rods below a point known as "Sunken Pier or Rock:" *provided*, that said dam across the main channel of said stream shall not exceed three feet in height, and shall be so constructed as not to obstruct or impede the running of lumber, timber or logs down said river and over such dam; *and provided further*, that a slide shall be constructed in said dam, at least one foot below the the general height of said dam, and the Wisconsin River Improvement Company shall have the right to locate the said slide or chute in the dam, which shall be seventy-five feet wide, if the said company so desire it. May erect dam.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 11, 1872.

## CHAPTER 39.

[*Published March* 15, 1872.]

**AN ACT to legalize the proceedings of the county board of supervisors of Adams county in fixing salary of county officers.**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

**Legalized.**

SECTION 1. The proceedings of the county board of supervisors of Adams county, at their session in November, A. D. 1870, in fixing and determining the salary of the district attorney for said county, elected on the eighth day of November, A. D. 1870, is hereby declared in all respects legal and valid, as though the same had been made at the time provided by law.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 13, 1872.

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## CHAPTER 40.

[*Published March* 15, 1872.]

**AN ACT to amend section 1 of chapter 400 of the private and local laws of 1871, entitled "an act to empower the county of Milwaukee to raise money to build a court house."**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

**Amended.**

SECTION 1. Section 1 of chapter 400 of the private and local laws of 1871, entitled "an act to empower the county of Milwaukee to raise money to build a court house" is hereby amended so as to read as follows: Section 1. The county board of supervisors of Milwaukee county is hereby authorized to issue bonds of said county of Milwaukee during the years 1871 and 1872, for the purpose of raising money to build a court house for said county of Milwaukee, said bonds to bear interest at a rate not less than five, nor more than eight per cent. per annum, and be payable in not less than

**May issue county bonds to build court house.**

ten years from their date, and the amount of bonds to be issued shall not exceed two hundred thousand dollars in all, exclusive of interest.

SECTION 2. All acts and parts of acts contravening the provisions of this act are hereby repealed.

SECTION 3. This act shall take effect from and after its passage and publication.

Approved March 13, 1872.

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## CHAPTER 41.

[*Published March* 15, 1872.]

AN ACT to legalize the sale of lands in the years 1865, 1866 and 1867 in Adams county, for the non-payment of taxes assessed thereon.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. The notices of sales of lands for non-payment of taxes assessed thereon, made by the county treasurer of Adams county in the years A. D. 1865, 1866 and 1867, are hereby declared legal and valid, notwithstanding any irregularity or insufficiency in the publication or posting of the several notices and lists of such sales as required by law; and any affidavit or affidavits of the publication or posting of said several notices and lists made by the printer of the newspaper in which such notices and lists were published, or any affidavit made by the county treasurer of said county, or any other person, of the posting of said several notices and lists, or of copies thereof, made and filed with the proper officer, shall be deemed and held to be legal and proper evidences of the publication and posting of the notices and lists to which such affidavits severally refer, notwithstanding such affidavit or affidavits may not have been made or filed within the time prescribed by law.

**Notices of sales legalized.**

**Affidavits legalized.**

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 15, 1872.

## CHAPTER 42.

[*Published March* 19, 1872.]

AN ACT to legalize the proceedings of the officers of the village of Palmyra, in the county of Jefferson,

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Legalized.

SECTION 1. All the proceedings or official acts of the officers of the village ot Palmyra, performed in good faith by said officers, prior to the first day of February, A. D. 1872, are hereby made legal and valid, and no action or prosecution shall be maintained against said officers or any of them, in consequence of defects or errors in the boundaries of said village, or in consequence of said boundaries not including or embracing a portion of the village in fact.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 15, 1872.

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## CHAPTER 43.

[*Published March* 16, 1872.]

AN ACT to amend an act, entitled an act to amend chapter five hundred, private and local laws of 1868, to incorporate the city of Madison.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Amended.

SECTION 1. Section two of chapter one of the above entitled act is hereby amended by inserting after the words, "lots three (3) and four (4), in the southeast quarter of section twelve (12)," in the fourth and fifth lines of said section, the following: also the southeast quarter of the southeast quarter of section twelve (12.)

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 15, 1872.

# CHAPTER 44.

[*Published March* 19, 1872.]

AN ACT to amend chapter 183 of the private and local laws of 1866.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Section five of an act, entitled "an act to authorize the improvement of a water power and the erection of mills and machinery in the village of Boscobel," approved March 26, 1866, is hereby amended so that it shall read as follows, to wit: The water power thus accumulated by either of said streams, or both united, or so much of it as may be necessary, shall be applied by the said D. R. Sylvester and his associates, in propelling a flouring mill; mill situated on section twenty-six, in the town of Boscobel, owned by them, or such mill or mills, wherever located in the village of Boscobel, to do custom work and flouring, and shall also be used by the village of Boscobel, whenever needed, as a protection against fires, or for sanitary purposes, and for the operation of water works for general use in said village, in such manner and by such appliances as the president and board of trustees of said village may determine, and for the purpose of determining the relative rights and duties of the said D. R. Sylvester and his associates, and the village of Boscobel in the premises, and for the uses and purposes aforesaid, it shall and may be lawful for either party, or any one interested in the premises, to apply to the circuit court for Grant county in term time, upon a petition duly filed therein, setting forth all material and necessary facts in the premises, for an order or determination, regulating such rights and duties, by three commissioners to be appointed by said court. A copy of such petition, with ten days' notice, of the time and place of appointing such commissioners shall be served on the parties interested in such application. Upon due proof of the service of a copy of such petition and notice, the said court shall proceed to appoint three disinterested freeholders of said county as com-

Amended.

For what purpose water power used.

Application for order of determination.

missioners to define such rights and duties as aforesaid, and to assess the damages which any person may or shall sustain by reason of taking the whole or any part of the waters of said streams, or either of them, for the purposes aforesaid, who upon being duly sworn to discharge faithfully and impartially their duties in the premises, shall upon notice of not less than six days of the time and place of their meeting for that purpose, proceed to hear and determine the matters to be submitted to them under this act, and fix and determine upon the relative rights and duties of the said D. R. Sylvester and his associates and the village of Boscobel, in the maintenance, use and enjoyment of said water power in all respects, and determine all other questions herein provided for; and such decision and determination so made shall be binding and conclusive upon the respective parties, when confirmed, unless appealed from as hereinafter provided. Said decision and determination, within thirty days after the same shall be made, shall be reduced to writing and signed by a majority of said commissioners, and filed and recorded in the office of the clerk of the circuit court for Grant county, and unless appealed from, the said court shall and may, within ten days thereafter, make and enter such judgment of confirmation thereof, or confirm or modify the same after the determination of an appeal as shall be just and proper. If any party shall be aggrieved by the determination or decision of said commissioners, so made as aforesaid, it shall and may be lawful for such party to appeal therefrom to the circuit court of the said county at any time within ten days after the filing and recording of such decision and determination as aforesaid, by serving notice of such appeal upon the adverse parties, and filing the same with the clerk of said court, specifying the grounds of such appeal, and all issues of fact upon such appeal shall be tried and submitted in said court to a jury duly drawn from the general panel, at any regular term thereof; and said commissioners and any jury which may be empaneled shall, in passing upon the matter submitted to them respectively, take into consideration the benefits received, as well [as] the injury which any party interested in the matter may sustain, in arriving at a determination in the premises, and as between the said D. R. Sylvester and his associates, and

**Determination to be filed and recorded.**

**Any party aggrieved may appeal from determination.**

**Benefits as well as damages to be considered.**

the village of Boscobel, in determining the relative rights and duties between them, they shall take into consideration any and all damages, assessments, recoveries and judgments heretofore sustained, made, had or obtained against the said D. R. Sylvester and his associates, for the taking and diversion of the waters of said streams or either of them, and for the use of any lands taken for said work, and any and all damages so found or assessed under the provisions of this act shall be tendered to the party to whom the same shall or may be assessed, within ten days after the filing of the report or decision and determination of said commissioners, and be paid forthwith, after a final adjudication in the premises, or an injunction may be allowed to protect the rights of the party aggrieved by any neglect in respect thereof. Upon any verdict rendered upon such appeal as is herein provided for, the circuit court shall render such judgment as substantial equity and justice and the determination of said jury may require, and any judgment rendered pursuant to the provisions of this act may be appealed from and reviewed in the supreme court, in like manner as is provided in the case of judgments in civil actions.

Judgment upon the verdict.

SECTION 2. This act shall take effect and be in force from and after its passage and publication, and all acts or parts of acts in conflict therewith are hereby repealed.

Approved March 15, 1872.

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## CHAPTER 45.

[*Published March* 19, 1872.]

AN ACT in relation to the public schools of the city of Milwaukee.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Section four of chapter one hundred and ninety of the private and local laws of 1859, entitled "an act to provide for the management of the public schools of the city of Milwaukee," approved March 17, 1859, is hereby amended so as to read as follows: Section 4. The public schools of the city of Milwaukee

Section four amended.

Under control of school board

shall be under the general management, control and supervision of a school board, consisting of two persons from each ward, to be appointed by the aldermen and councilors of such ward, or the majority of them, subject to confirmation by the common council in joint convention. The members of said board shall hold their offices for two years, unless sooner removed: *provided*, that the present school commissioners shall remain in office for the terms for which they have been elected respectively. A president shall be annually elected by said board who shall be a member thereof, and in his absence the board shall elect a president for the time.

Shall elect superintendent.

SECTION 2. The board of school commissioners of the city of Milwaukee shall annually elect by ballot, a person of suitable learning, experience in the art of instruction, and practical familiarity with the most approved methods of organizing and conducting a system of public schools, for superintendent of schools, who shall hold his office for one year, unless sooner removed. He shall receive a salary of two thousand dollars per annum.

His salary.

Is duties.

SECTION 3. The superintendent of schools shall, under the direction of the school board, have a general supervision of the public schools of the city, of the manner of grading and conducting them, of the teachers, and, in connection with a committee of the board, of the purchase of school apparatus. He shall, in connection with a committee of the board, and with the concurrence of the board, examine, employ and classify teachers, and dismiss them for incompetency or inattention to duty, and shall do and perform all such other duties as may be required by the board.

Shall appoint secretary—his salary and duties.

SECTION 4. The board shall also appoint annually some suitable person to act as secretary of the board, at a salary of twelve hundred dollars per annum, whose duty it shall be to attend the meetings of the board, to keep a record of its proceedings and a full and fair account of all receipts and expenditures of the board, and to do and perform all such other duties as shall be required of him by the said board.

Shall take annual enumeration.

SECTION 5. The secretary of the board of school commissioners shall also take the annual enumeration of the children in the city of Milwaukee, as required by law, and he shall receive for such such services the sum of six hundred dollars.

SECTION 6. Section twelve of said chapter one hundred and ninety of the private and local laws of 1859, is hereby amended so as to read as follows: "Section 12. The superintendent of schools or the secretary of the school board may be removed from office for misdemeanor in office, incompetency or inattention to the duties of his office, by a vote of two-thirds of the school board: *provided*, that before any proceedings shall be had against him, notice in writing shall be served five days before the time of hearing, and the accused shall be heard by himself or counsel, and either party may produce witnesses, who shall be sworn, subject to the pains and penalties of perjury." Section twelve amended. Removals from office.

SECTION 7. Section three of chapter two hundred and fifty-two of the private and local laws of 1867, entitled "an act to establish a high school in the city of Milwaukee," is hereby amended so as to read as follows: Section 3. The course of study in said high school shall be liberal, and shall embrace such studies as the said board of school commissionsrs shall deem proper, and the said board shall have power to grant diplomas and to confer degrees in testimony of scholarship and literary acquirements. Section three amended. Course of study

SECTION 8. Section five of chapter four hundred and twenty-one of the private and local laws of 1871, is hereby amended so as to read as follows: Section 5. The board of school commissioners of the city of Milwaukee shall report to the common council of the said city, on or before the first day of June in each year, the amount of money required for the support of schools in the said city, as well the public schools as the high school for the next fiscal year, and it shall be the duty of the said common council annually to levy and collect a tax (in addition to the tax to be levied for general city purposes) upon all the taxable property of the said city, in the same manner as other city taxes are levied and collected by law, which, with the other funds provided for the same purpose, shall be equal to the amount of money required by said school board for the support of said schools: *provided*, that the said common council may, by two-thirds vote of each board, levy a tax for a greater or less amount for such purposes. Section five amended. Shall report to council.

SECTION 9. Sections ten and eleven of said chapter one hundred and ninety of the private and local laws Sections ten and eleven amended.

of 1859, entitled "an act to provide for the management of the public schools of the city of Milwaukee;" chapter three hundred and forty-five of the general laws of 1865, entitled "an act relating to the public schools of the city of Milwaukee," and all other acts or provisions of law conflicting with the provisions of this act are hereby repealed.

SECTION 10. This act shall take effect and be in force from and after its passage and publication.

Approved March 15, 1872.

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## CHAPTER 46.

AN ACT to repeal chapter one hundred and thirteen of the private and local laws of 1871, entitled an act to amend chapter two hundred and forty-three of the private and local laws of the state of Wisconsin, for the year 1863, entitled an act to incorporate the Tomah and Lake St. Croix Railroad Company, and to repeal and annul a portion of a grant of land, heretofore made to the La Crosse and Milwaukee Railroad Company, and the various acts amendatory thereof.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Repealed.

SECTION 1. Each and every section, clause and provision in chapter one hundred and thirteen of the private and local laws of 1871, in the act entitled an act to amend chapter two hundred and forty-three of the private and local laws of the state of Wisconsin for the year 1863, entitled an act to incorporate the Tomah and Lake St. Croix Railroad Company, and to repeal and annul a portion of a grant of land heretofore made to the La Crosse and Milwaukee Railroad Company, and the various acts amendatory thereof, approved February 24, 1871, is hereby repealed.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 15, 1872.

# CHAPTER 47.

[*Published March* 19, 1872.]

AN ACT for the division of the borough of Fort Howard and the town of Lawrence, and the erection of the town of Ashwaubanon, Brown county.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. All that portion of the present borough of Fort Howard, in Brown county, lying between the center of private claim number thirteen (13) and twenty-seven (27), and all of private claims number thirty-one (31) and thirty-two (32), on the west side of Fox river, and bounded eastwardly by the center of the channel of Fox river and westwardly by the Oneida reservation, and all that part of private claim number twenty-seven (27) which lies west of Ashwaubanon creek, is hereby set off and detached from the said borough of Fort Howard and town of Lawrence, and erected into a separate town, under the name and title of the town of Ashwaubanon. **Territory detached.** **Erected into new town.**

SECTION 2. That the said town of Ashwaubanon is hereby erected, established and organized, with all the rights, powers and privileges by law granted to other towns in this state, and subject to all general laws established for town government. **Its rights, powers, etc.**

SECTION 3. The liabilities or indebtedness of the present borough of Fort Howard shall be paid, satisfied and discharged ratably by the said town of Ashwaubanon and the borough of Fort Howard, according to the last assessment of said borough, except so far as the said borough of Fort Howard shall have a fund on hand, which should be used in discharge of said indebtedness, and in case there is such a fund on hand, or real or personal property now owned by said borough, the said fund and the value of such real or personal property shall be divided between said portion of said town and borough at the same rates as for the discharge of said indebtedness. **How indebtedness to be apportioned.**

SECTION 4. The supervisors of the said town of Ashwaubanon shall annually, and as often as may be **Shall levy tax annually for the payment of debt.**

necessary, levy a tax upon the taxable property of that portion of said town set off from said borough by this act, sufficient to pay the ratable proportion of said part of said town, based on the last assessment of said borough, any and all instalments due of principal or interest, or both, of any bonds heretofore issued by said borough of Fort Howard to aid in the construction of any railroad, and if said supervisors shall fail or neglect to levy and collect said tax for one year, it shall be the duty of the circuit judge of Brown county, on application of any holder of said bonds, to direct by his order in equity, the sheriff of said county to take the assessment roll of said town and to calculate the amount necessary to charge against all property and persons liable to be assessed, *pro rata*, a sufficient per cent., so that when the whole amount is collected it shall be sufficient to pay the whole amount accruing due from the neglect or refusal of said supervisors to levy and collect the tax aforesaid, together with the costs; and on the refusal or neglect of any person to pay when demanded by said sheriff, it shall be the duty of said sheriff to take the personal property assessed to said person and sell the same at public auction, giving twenty days' notice of the time and place of sale, and in case real estate is charged with such tax and the same remains unpaid, the same shall be included in the return for delinquent taxes, and advertised and sold according to the provisions of the general tax laws of this state.

**Shall release title to school houses.**

SECTION 5. The supervisors of said town of Ashwaubanon shall, by deed of release duly executed according to law, release all its right, title and interest in and to any school house or school house site situate within the new limits of said borough, and the said town shall not hereafter be liable for the payment of any indebtedness incurred by the said borough by reason of the erection of any such school houses, or for the purchase any such school house sites.

SECTION 6. This act shall take effect and be in force from and after its passage and publication.

Approved March 15, 1872.

## CHAPTER 48.

[*Published March*, 16, 1872.]

AN ACT to amend chapter eleven of private and local laws of 1872, entitled "an act to amend chapter four hundred and thirty-six of the private and local laws of 1870, entitled an act to revise, consolidate and amend the act to incorporate the city of Green Bay, and the several acts amendatory thereto, and to annex the borough of Fort Howard to said city of Green Bay."

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Section four of chapter eleven of the private and local laws of 1872, is hereby amended by striking out after the words, "general election," the words, "three aldermen." **Section four amended.**

SECTION 2. Section five of said chapter is hereby amended so as to read as follows: There shall be elected at the first election under this act, three aldermen for each of said wards, one of whom shall hold his office for one year, and two of which aldermen shall hold their offices for two years; and thereafter, at each annual election alternately, shall be elected one alderman and two aldermen from each ward, as the terms of said aldermen expire; and at the first election aforesaid for said wards, there shall be written or printed, or partly written or printed, at the heads of the votes for aldermen for two years, the words, "aldermen for two years," and at the head of the votes for alderman for one year, the words, "alderman for one year," which said annual election shall take place at the same time provided in the city charter. **Section five amended. Election of aldermen.**

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 16, 1872.

## CHAPTER 49.

**AN ACT granting to Richard R. Kempter and others the right to establish and maintain a ferry across the Mississippi river, from the village of Alma, in the county of Buffalo, state of Wisconsin, to the opposite shore in Wabasha county, Minnesota.**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

**Exclusive right to keep ferry.**

SECTION 1. That Richard R. Kempter, William Mueller, G. Albertson, S. S. Cooke, S. G. Fuller, W. H. Gates, Charles Schaettle, Fred. Fisher, John A. Tester, John Hunner, Fred. Lane, and William Briggaboos, and their associates, heirs, executors, administrators and assigns, shall have the exclusive right and privilege, for the period of ten years, of keeping and maintaining a ferry across the waters of the Mississippi river at and from the village of Alma, in the county of Buffalo, state of Wisconsin, to Wabasha county, opposite, in the state of Minnesota.

**Shall provide good and sufficient boats.**

SECTION 2. That said parties and their associates or assigns shall, within eighteen months after the passage of this act, place and maintain, at the aforesaid place, such good and sufficient boat or boats as may be necessary to carry across said river all teams, horses, cattle and other property, and for the accommodation of foot passengers, and shall at all times give ready and prompt attendance on passengers or teams at least ten hours per day; one and a half hours before, and one and a half hours after the arrival of the trains at Kellogg station, in Minnesota, and on all occasions, and at all hours of the day or night, for foot passengers; but persons crossing the said ferry at night may be charged double the rates hereinafter prescribed.

**Time fixed.**

**Point of landing fixed.**

SECTION 3. The said corporators may land their boats, passengers and property on any public highway which now does or may hereafter terminate within the points above specified, or on the lands of any person or persons owning the same; they having first secured the permission of such owners so to do.

**Shall execute and file bond.**

SECTION 4. The said corporators, their associates or assigns shall, within one year after the passage of this act, file or cause to be filed with the village clerk of said village of Alma, a bond to the people of the state

of Wisconsin, with two or more sureties, in the penal sum of one thousand dollars, conditioned that they will faithfully fulfill all the duties imposed upon them by this act, and in case of their failure so to do, they shall forfeit all the benefits that might accrue to them from it.

Forfeiture for neglect or non-attendance.

SECTION 5. That for every neglect to keep a good and sufficient boat or boats, or failure to give prompt and due attendance upon all persons wishing to cross at the said ferry at the time or times aforesaid, the aforesaid corporators shall forfeit a sum not exceeding ten dollars, to be recovered by and for the use of said village in a civil action before any court having competent jurisdiction; and shall be further liable in like action for all damages any person may sustain by reason of the neglect of the aforesaid corporators to fulfill any of the duties imposed upon them by this act, or of any one in their employ.

Rate of ferriage

SECTION 6. The rates charged for crossing at said ferry shall not exceed the following, except to those crossing between the hours of 7 o'clock, P. M. and 5 o'clock, A. M., when double rates may be charged, and in high-water, when the ferry shall have to run to the high land on the Minnesota shore, one-half above the rates herein may be charged: For each foot passenger, the sum of ten cents; for each horse, mare or mule, with or without rider, the sum of forty cents; for each team drawn by two horses, two mules or two oxen, loaded or unloaded, with or without driver, the sum of seventy-five cents; for each single-horse carriage, wagon or sleigh, with or without passengers, sixty cents; for each additional horse, mare, mule or cow, the sum of fifteen cents; for each swine or sheep, the sum of five cents; all freights, merchandise or other articles not in teams, at the rate of twenty-five cents per hundred weight, when the same, delivered by one person, shall not exceed two hundred pounds, and for any excess of two hundred pounds, at the rate of ten cents per hundred weight, and fifty cents per thousand feet of lumber.

Penalty for over charge of rates.

SECTION 7. In case the said corporators, their heirs or assigns, or any ferryman or other person employed by them, shall take, exact or receive any greater or higher rate of ferriage for transporting persons, goods and chattels, or other things whatsoever, than is al-

lowed by this act, the said corporators, their heirs or assigns, shall be liable to the party aggrieved in the sum of ten dollars for every such act, and which sum may be recovered before any justice of the peace of their state having by law jurisdiction over the same.

Penalty for infringement of rights.

SECTION 8. In case any other person or persons shall, after the establishment of the said ferry aforesaid, set up, or keep, or maintain any ferry, or shall carry any person, goods or chattels for hire or pay, across said Mississippi river, from any place on the east side or shore of the waters of said river, within the limits of the village of Alma, every such person shall, for each such offense, forfeit and pay the sum of ten dollars, to be recovered as aforesaid, by and for the use of any person entitled by law to sue for the same.

SECTION 9. This act shall take effect and be in force from and after its passage and publication.

Approved March 16, 1872.

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## CHAPTER 50.

[*Published March* 19, 1872.]

AN ACT amendatory of chapter 141 of the private and local laws of 1868, relating to a park in the city of Milwaukee.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Duty to extend park Wisconsin street.

SECTION 1. It is hereby made the duty of the common council of the city of Milwaukee, to proceed without unnecessary delay, in the exercise of the powers conferred upon them by chapter one hundred and forty-one of the private and local laws of 1868, and to extend the park already commenced, to the south line of Wisconsin street; and for that purpose to take and appropriate in the manner indicated in said chapter one hundred and forty-one, the remainder of the tract of land described in section one of said chapter one hundred and forty-one, not already taken and worked for such park.

To the third ward.

SECTION 2. It is also made the duty of the said common council, without unnecessary delay, to proceed

in the extension of said park in the third ward of said city, as authorized by said chapter one hundred and forty-one. Section seven of said chapter one hundred and forty-one, is so amended that the width of such park south of Huron street, may be increased: *provided*, that it do not extend at any point over four hundred feet west of the west line of Beach street, nor nearer than one hundred and twenty feet to the east line of Jackson street. Until the park in that ward shall be completed with all improvements, the common council may levy a tax of five thousand dollars per annum on the taxable property of said third ward, instead of two thousand dollars. No property lying west of Milwaukee street shall be assessed or taxed to pay for the cost of land taken for said park or for the cost of taking the same.

**Section seven amended.**

**May levy tax for completion of park.**

SECTION 3. If the board of public works or common council of said city shall at any time determine that the cost of the property proposed to be taken, whether ascertained by the said board or by the court on appeal in any case from the decision of said board is unreasonably great, or so large as to be burdensome and injurious to the owners of the property assessed to pay for the same, or if for any reason the taking of any of the land authorized to be taken for such park shall be in expedient, it shall be lawful for the board or the common council to abandon the proceedings for taking any or all of such land, which shall therefore remain the property of the owners thereof, as if such proceedings had not been commenced, and the expenses of the proceedings so abandoned shall be paid by the ward in which such land lies. Such abandonment shall not prevent the subsequent resumption of such proceedings under this act, it being the intention of this act to authorize the creation of such park, so far as the same can be done to the advantage of the taxpayers of the said wards, and at a moderate, reasonable cost, and not otherwise.

**If cost is too great may abandon proceedings.**

**May resume again.**

SECTION 4. This act shall take effect and be in force from and after its passage.

Approved March 16, 1872.

## CHAPTER 51.

[*Published March* 19, 1872.]

AN ACT to amend chapter two hundred and fifty-three of the private and local laws of Wisconsin, passed in the year 1868, entitled "an act to revise and amend chapter one hundred and seventy six of the private and local laws of 1857, entitled an act to amend an act entitled an act to incorporate the city of Beloit, approved March 31, 1856."

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Section fourteen amended.

SECTION 1. Section fourteen of title seven of chapter two hundred and fifty-three of the private and local laws of this state, passed in the year 1868, is hereby amended so that the same shall read as follows: Section 14. No order shall be made by the common council for the grading, paving, macadamizing or planking of any street, highway or alley, or for grading or making any new sidewalk, or for paving any gutter, or for setting any curbstone along any street or alley where the whole estimated cost of such improvement shall exceed the sum of two hundred dollars, unless a petition therefor shall have been presented to the street commissioners and filed with the city clerk, signed by the owners or occupants of one-half of the frontage of property taxable for such improvements under the provisions of this act: *provided*, that nothing in this section shall be construed to require any petition for the proper repair of any street, sidewalk or other improvements heretofore graded or made by order of the street commissioners or common council, or for keeping in repair any street, road or alley which is or may be a common public highway, so that the same may be kept in suitable condition for public use. And in case any street or sidewalk shall in the opinion of the street commissioners require immediate repair, they may proceed forthwith without any order or notice, and cause the same to be suitably repaired, and the cost and expense of any repair so made shall be chargeable and collectable in the manner provided in section thirteen of said title seven.

No order for street improvements except upon petition.

If immediate repairs required how made.

Section five amended.

SECTION 2. Section number five of title eleven of said chapter, is hereby amended so that the same shall

read as follows: Section 5. Execution shall issue forthwith on the rendition of the judgment, unless the same be stayed or appealed according to the laws of this state, and shall be in the same form and be executed in the same manner as is now provided, or may be hereafter provided by law for executions in actions founded in tort: *provided*, that the officer having such execution may satisfy the same out of any property of the defendant which would be liable to levy and sale by virtue of a tax warrant to collect a tax against such defendant. When execution to issue.

Approved March 16, 1872.

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## CHAPTER 52.

[*Published March* 19, 1872.]

AN ACT to amend an act entitled an act to revise, consolidate and amend the act to incorporate the city of Green Bay and the several acts amendatory thereto, approved March 16, 1870.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Section sixteen (16) of chapter thirteen (13) of an act entitled "an act to revise, consolidate and amend the act to incorporate the city of Green Bay, and the several acts amendatory thereto," is hereby repealed. Repealed.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 16, 1872.

## CHAPTER 53.

[*Published March* 19, 1872.]

AN ACT to provide for county printing in the county of Waupaca.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

May let public printing to lowest bidder.

SECTION 1. The board of supervisors of the county of Waupaca, in this state, are hereby authorized at their next annual meeting, and at each annual meeting thereafter, to let all the county printing for said county, including the delinquent tax sale and the clerk's list of lands subject to tax deed, to the lowest bidder: *provided, however*, that such board of supervisors shall not, in such letting, exceed the present legal rates of printing the same; *and provided further*, that before any printing shall be let, as herein provided, the person to whom said printing shall be awarded, shall execute a good and sufficient bond, in such sum as the said board of supervisors may direct, with one or more sureties that said contract for printing shall be fully and faithfully performed; *and provided further*, that said printing shall be let to the publisher of some newspaper printed and published in said county, and which has been so printed and published in said county for the length of time as now required by law, to be entitled to said printing.

Construction of act.

SECTION 2. That this act shall not be so construed as to alter or change the fees now prescribed by law for printing and which are chargeable against lands returned for delinquent taxes, or against lands subject to tax deeds.

Printing of present year to be let.

SECTION 3. That the printing for the present year in said county shall be let to the lowest bidder as soon as practicable, after the passage of this act, by the county clerk and county treasurer of said county, they first giving notice to the publishers of each paper printed in said county of the time and place of such letting, which letting shall be in accordance with the provisions hereinbefore contained, and subject to the same restrictions as mentioned in the first section of this act.

SECTION 4. All acts or parts of acts conflicting with the provisions of this act are hereby repealed.

SECTION 5. This act shall take effect and be in force from and after its passage.

Approved March 16, 1872.

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## CHAPTER 54.

[*Published March* 20, 1872.]

**AN ACT to legalize the official acts of the officers of joint school district number one, of the towns of Gilmanton and Modena, Buffalo county.**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. All the official acts of the school district officers of joint school district No. 1, of the towns of Modena and Gilmanton, Buffalo county, for the years 1870 and 1871, in letting contract for building school house in said district, and in the purchase of patent seats for said school house, and that the statements of the amount of the tax voted to be raised for the purpose of paying for the house so erected under said contract, and the desks so purchased, which were delivered by the clerk of said joint school district to the town clerks of said towns from which said joint school district is formed, and the assessment of the amounts so returned, and the entry of such amounts upon the tax rolls of each of said towns respectively, by the town clerks thereof, are hereby declared legal and valid. **Legalized.**

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 19, 1872.

## CHAPTER 55.

[*Published March* 23, 1872.]

AN ACT to declare a certain form of affidavit of posting notices by the county treasurer of Waupaca county of the sale of lands for unpaid taxes, *prima facie* evidence.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Shall be *prima facie* evidence.

SECTION 1. All affidavits heretofore made by the county treasurer of Waupaca county, under section five of an act relative to the sale of lands for unpaid taxes, and the conveyance and redemption thereof, approved February 19, 1859, substantially in the following form: State of Wisconsin, Waupaca county, ss. Evan Coolidge, being duly sworn, deposes and says that he did, as by law required, post up four of the annexed notices, in four public places in said Waupaca county, four weeks previous to the second Tuesday of May, 18—. Subscribed and sworn to before me, the —— day of ——, 18—, shall be *prima facie* evidence that the requirements of section three of said act in relation to posting notices therein required, has been fully complied with.

SECTION 2. All acts and parts of acts conflicting with the provisions of this act are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved March 21, 1872.

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## CHAPTER 56.

AN ACT to establish and maintain a ferry across the Menomonee river in Oconto county.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Exclusive right to maintain ferry.

SECTION 1. Robert O'Neill and his associates and assigns, his heirs and personal representatives,

shall have the exclusive right and privilege for the period of ten years, of keeping and maintaining a ferry across the Menomonee river in the county of Oconto, at or within two miles of the mouth of said river.

Regulations and rates of ferriage.

SECTION 2. Such ferry shall be subject to such regulations as other ferries are by law subject, and the proprietor thereof shall be entitled to receive for crossing any vehicle or conveyance, drawn by two horses or oxen, the sum of twenty-five cents; for any vehicle or conveyance drawn by one horse or other animal, the sum of twenty cents; for each additional horse or ox, the sum of ten cents; for a man and horse, the sum of fifteen cents; for cattle or horses in droves, the sum of eight cents each: *provided*, that hogs and sheep shall not be charged to exceed three cents each per head; for foot passengers, the sum of five cents each.

No other ferry to be licensed.

SECTION 3. No other ferry shall be licensed or established on said Menomonee river within two miles of the mouth of said river.

SECTION 4. This act shall take effect and be in force from and after its passage.

Approved March 21, 1872.

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## CHAPTER 57.

[*Published March* 23, 1872.]

AN ACT to amend chapter 268 of the general laws of 1865, entitled "an act to codify, consolidate and amend the act to incorporate the city of Appleton," and the several acts amendatory thereof.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Amended.

SECTION 1. Section 7 of chapter 6 of the act to which this is amendatory, is hereby amended by inserting between the words, "conclusive" and "provided," in the 19th line of said section, the words, "unless an appeal is taken, as hereinafter provided."

Amended.

SECTION 2. Said section 7 is further amended, by adding to the last line thereof, the following words: "unless an appeal is taken, as hereinafter provided."

Amended.

May appeal from assessment.

SECTION 3. Said chapter 6 is hereby amended, by adding the following section thereto: "Section 15. Any person whose property is taken, or against whom an assessment is made may, within ten days from the return of the jurors to the common council, appeal from said assessments of damages or benefits, to the circuit court of Outagamie county, where such appeal shall be tried by the court and jury, as in ordinary cases. The common council shall have the same right of appeal."

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved March 21, 1872.

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## CHAPTER 58.

[*Published March* 23, 1872.]

AN ACT to repeal section two of chapter 214 of the private and local laws of 1871, entitled "an act to amend chapter 268 of the general laws of 1865, entitled an act to incorporate the city of Appleton, and the several acts amendatory thereof, and to revive and re-enact section eight of chapter seven of said chapter 268."

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Repealed.

SECTION 1. Section two of chapter 214 of the private and local laws of 1871, is hereby repealed.

Re-enacted.

SECTION 2. Section eight of chapter seven, subdivision of chapter 268 of the general laws of 1865, is hereby revived, re-enacted and of full force.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved March 21, 1872.

## CHAPTER 59.

[*Published March* 23, 1872.]

**AN ACT to authorize the city of Appleton to issue bonds for the purposes herein named.**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. The common council of the city of Appleton are hereby authorized to issue bonds, with coupons attached thereto, to the amount of ten thousand dollars, the proceeds of which shall be applied for the purpose of purchasing steam fire apparatus and building an engine house. **May issue bonds.**

SECTION 2. The said bonds shall be drawing seven per cent. interest, to be paid on the first day of March of each year, in the city of New York, and the principal of the same shall become due in the following manner: One thousand dollars ten years from the issue of the bonds, and one thousand dollars annually thereafter, until all said bonds shall be paid and satisfied, and the common council of said city are hereby authorized, and it is made their duty, to levy, annually upon all the taxable property within said city, a sufficient tax to pay the interest on and the principal of said bonds. **Rate of interest and when principal due.**

SECTION 3. The said bonds shall be issued in the denominations of not less than one hundred and not more than one thousand dollars. **Denominations.**

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved March 21, 1872.

## CHAPTER 60.

**AN ACT to authorize Jesse Pramer to build and maintain a dam across Turtle Creek, in town of Bradford, Rock county.**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

**May build dam.**

SECTION 1. Jesse Pramer, his associates, successors, heirs and assigns, are hereby authorized to build a dam for manufacturing purposes across Turtle Creek, in the county of Rock, in town two (2), range fourteen (14) east, section twenty-seven (27), in town of Bradford.

**Height of dam and liability for overflow.**

SECTION 2. Said dam may be erected to the perpendicular height of six (6) feet: *provided*, that if the said dam shall cause the aforesaid creek or river to overflow the land of any other person or persons except the proprietors of said dam, to the injury of the owner or owners thereof, the said Jesse Pramer, his successors, heirs or assigns, shall pay in full all damages accruing at any time in such manner, when damages shall be determined by due process of law.

**Penalty for injuring dam.**

SECTION 3. Any person or persons who shall willfully and maliciously destroy or injure said dam, or any part thereof, shall be liable to its proprietors in an action of trespass for the amount of damage done, in addition to the penalties already prescribed by law, to be received in any court of competent jurisdiction.

SECTION 4. This act shall take effect and be in force from and after its passage.

Approved March 21, 1872.

## CHAPTER 61.

[*Published March* 23, 1872.]

AN ACT to amend section two of chapter 438 of the private and local laws of 1871, entitled an act to amend an act entitled an act to provide for the construction of sewers in the city of Milwaukee, approved March 10, 1869, and an act entitled an act to provide for the construction of sewers in the city of Milwaukee, approved March 12, 1870.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Section two of chapter four hundred and thirty-eight of the private and local laws of 1871, is hereby amended so as to read as follows: "Section 2. Whenever any lot as originally platted, fronts or abuts on any sewer, and is subdivided, and the subdivisions thereof are owned by different persons, no subdivision of such lot, not fronting or abutting on such sewer, and not owned by the same person who owns the subdivision fronting or abutting on such sewer, shall be assessed for the cost of such sewer." **Amended.** **When lot not to be assessed.**

SECTION 2. This act shall take effect as soon as published.

Approved March 21, 1872.

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## CHAPTER 62.

[*Published March* 23, 1872.]

AN ACT to detach certain territory from the towns of Eaton and Greenfield, Monroe county, and attach the same to the towns of Lincoln and La Fayette.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Sections one (1), two (2), three (3), four (4), five (5), six (6), seven (7), eight (8), nine (9), ten (10), eleven (11), twelve (12), thirteen (13), fourteen (14), fifteen (15), sixteen (16), seventeen (17) and eigh- **Detached.**

teen (18), of township number nineteen (19) north, of range two (2) west, are hereby detached from the town of Eaton, Monroe county, and the same are hereby attached to, and shall hereafter constitute a part of the town of Lincoln, same county.

Attached to.

SECTION 2. That all the remaining territory, known as the town of Eaton, in the county of Monroe, is hereby attached to and shall constitute a part of the town of La Fayette, in same county, hereafter.

Detached.

SECTION 3. Sections nineteen (19), twenty (20), twenty-one (21), twenty-two (22), twenty-three (23), twenty-four (24), twenty-five (25), twenty-six (26), twenty-seven (27), twenty-eight (28), twenty-nine (29), thirty (30), thirty-one (31), thirty-two (32), thirty-three (33), thirty-four (34), thirty-five (35) and thirty-six (36), of township number nineteen (19) north, of range two (2) west, are hereby detached from the town of Greenfield, Monroe county, and the same are hereby attached to and shall hereafter constitute a part of the town of Lincoln, same county.

SECTION 4. This act to take effect from and after the first day of April, 1872.

Approved March 21, 1872.

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## CHAPTER 63.

[*Published March* 26, 1872.]

AN ACT to amend an act entitled "an act to revise, consolidate and amend the act to incorporate the city of Green Bay, and the several acts amendatory thereto," approved March 16, 1870.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Amended.

SECTION 1. Section two (2) of chapter two (2) of said act, is hereby amended so as to read as follows, to wit: Section 2. The elective officers of said city shall be a mayor, treasurer, two justices of the peace and one assessor for the city at large, and three aldermen and one constable for each ward. All other officers necessary for the proper management of said city shall be

Elective and appointive officers.

appointed by the common council. The appointed officers shall be a city clerk, city attorney, chief of police, city surveyor, a board of health, a board of education, such a number of policemen and night watchmen as the common council shall see fit to appoint, and such other officers as in the opinion of the common council, shall be necessary for the proper management of the affairs of said city. All elective officers except justices of the peace and the assessor, shall, unless otherwise herein provided, hold their respective offices for one year, and until their successors are elected and qualified. Said assessor shall be elected every alternate year, and shall hold his office for two years; the justices of the peace shall hold their office for two years, and until their successors are elected and qualified. The term of office of each appointed officer shall be designated at the time of his appointment, by the common council, and he shall hold his office until the expiration of the time so limited, and the appointment and qualification of his successor, unless sooner removed for cause shown, as herein provided. The common council shall have power, upon due cause shown, to expel any of their own number, declare his office vacant, and to remove from office any officer or agent under the city government, due notice being first given to the officer complained of. The mayor shall have power to suspend any police officer or watchman, appointed by the common council, when complained of, until the council shall take up his case and dispose of it. He shall also have power to fill any vacancy thus created for the time being.

Term of office.

Power to expel officers and members of board.

SECTION 2. Section five (5) of chapter two (2) of said act is hereby amended by adding thereto the following words: "And no person shall, either by election or appointment, hold any city office unless such person is an actual resident of said city, and a legal voter thereof."

Amended.

Qualifications for office.

SECTION 3. Section three (3) of said chapter three (3) of said act is hereby amended so as to read as follows: Section 3. At the first meeting of the common council in each year, they shall proceed to elect by ballot, one of their number president, and in the absence of the mayor, the said president shall preside over the meeting of the common council, and during the absence of the mayor

Amended.

Election of president and his duties.

from the city, or his inability for any reason to discharge the duties of his office, the said president shall exercise all the powers and discharge all the duties of the mayor, except the signing of city bonds. In case the mayor and the president shall be absent at any meeting of the common council, they shall proceed to elect a temporary presiding officer, who for the time being shall discharge all the duties of the mayor. The president or temporary presiding officer, while presiding over the board or performing the duties of mayor shall be styled acting mayor, and acts performed by them or either of them shall have the same force and validity as if performed by the mayor, except the signing of city bonds, and the said common council shall also, at their first meeting in each year, elect a clerk and a chief of police for the city, who shall hold their respective offices for the term of one year and until others are elected and qualified.

Amended.

SECTION 4. Section seven (7) of chapter three (3) of said act is hereby amended so as to read as follows:

Chief of police —his duties and powers.

"Section 7. The chief of police shall attend all meetings of the common council, and shall perform such duties as shall be prescribed by the council for the preservation of the public peace, and the collection of license moneys and fines. He shall possess all the powers of constables of towns, and be subject to the same liabilities. It shall be his duty to execute and return all writs and processes to him directed, and when necessary in criminal cases, or for the violation of any ordinance of said city, or law of this state, may pursue and serve the same in any part of this state. It shall be his duty to suppress all riots, disturbances and breaches of the peace, to remove all obstructions in the streets and alleys in said city, to abate all nuisances in said city, to apprehend any person in the act of committing any offense against any ordinance of said city, or law of this state, and within reasonable time bring such person before competent authority for examination, and for such services he shall receive such fees as are allowed to constables for like services. He shall, under the mayor, have full charge and control of the whole police force of said city, shall have power to order any policeman of said city to any place where he may deem his services necessary, to direct and control the action of any and all of the policemen and watch-

men of said city, subject to such regulations as may be prescribed by the common council, and in case of emergency, to call together and command the whole police force of said city, subject to the control of the mayor, as hereinbefore provided. It shall be his duty to report forthwith to the common council, any delinquency, or neglect, or refusal to perform his duty, on the part of any policeman or watchman of said city, and he shall have the power, if he deem it necessary, to suspend from office any policeman or watchman so delinquent, neglectful or refusing, until the mayor or common council shall take action upon his said report, and to appoint a special policeman, in case of any suspension, to perform the duties of the officer so suspended, until the mayor or common council shall act upon the matter."

SECTION 5. All provisions of the act of which this act is an amendment, inconsistent with the provisions of this act, are hereby repealed.

SECTION 6. This act shall take effect and be in force from and after its passage and publication.

Approved March 21, 1872.

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## CHAPTER 64.

[*Published March* 23, 1872.]

AN ACT to authorize, ratify and confirm the contracts and modifications thereof, between the county of Wood and the Madison and Portage Railroad Company, now Chicago and Superior Railroad Company.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. The contracts heretofore made between the county of Wood and the Madison and Portage Railroad Company, now Chicago and Superior Railroad Company, under chapter two hundred and ten of the private and local laws of 1870, and all modifications thereof made or to be made, not increasing the amount of bonds to be given in payment of stock at par, when approved and authorized by the railroad commission- Contracts confirmed.

ers and the board of supervisors of said county, and the issue and deposit of bonds thereunder, are hereby in all respects, authorized, ratified and confirmed.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 21, 1872.

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## CHAPTER 65.

[*Published March* 23, 1872.]

AN ACT to legalize the proceedings of the town assessors of town of Eaton, Monroe county.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Legalized.

SECTION 1. The proceedings of the town assessors of the town of Eaton, Monroe county, for the year 1871, are hereby declared to be legal and valid, the same as if all the forms of law had been complied with.

Approved March 21, 1872.

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## CHAPTER 66.

[*Published March* 23, 1872.]

AN ACT to amend sections sixteen and seventeen of chapter four hundred and eighty-two of the private and local laws of 1871, entitled "an act to incorporate the Prescott, River Falls and Northern Railroad Company."

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Amended.

May vote to subscribe for stock.

SECTION 1. Section sixteen of said chapter is hereby amended by adding thereto the following: *provided*, that any town or towns through which said railroad shall be located, may vote upon the question of subscribing to the capital stock of said company, and issu-

ing bonds therefor, and subscribe to such capital stock, and issue such bonds, under and pursuant to any general law or laws of this state; *and provided, further*, that such town or towns may state in the notice for such election that the bonds to be so issued shall be used for the erection of depot buildings, or in payment for the right of way on said road within such town or towns, in which case said company shall use such bonds or the proceeds thereof, for the purpose so specified in such notice.

SECTION 2. Section seventeen is hereby amended by striking out of the same, the words, "to an amount in the aggregate of five hundred and fifty thousand dollars." Amended.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved March 21, 1872.

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## CHAPTER 67.

[*Published March* 25, 1872.]

AN ACT to authorize the town of Mukwa, in the county of Waupaca, to build a bridge across Big Wolf river, and to authorize said town to raise a tax to pay for the building of said bridge.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. The town of Mukwa, in the county of Waupaca, is hereby authorized to build a bridge across the Big Wolf river, at the village of Northport, at the foot of Ferry street, on section ten, town twenty-two, range fourteen, and for that purpose to levy a tax and draw town orders to such an amount as may be necessary, not to exceed the sum of two thousand dollars ($2,000) in any one year, the said tax to be levied and collected the same as town taxes are now by law collected. May build bridge.

SECTION 2. The said bridge shall be built under the direction of a board of three commissioners, who shall be elected at the annual town meeting to be held Election of bridge commissioners.

in said town on the second day of April, 1872, and at each annual town meeting thereafter, until said bridge shall be completed. The names of the said commissioners shall be on a separate piece of paper, and shall be deposited in a separate box, and a certified statement of the votes cast for such commissioners shall be made by the inspectors of said election, and filed in the office of the town clerk of said town, and the persons receiving the highest number of votes shall be declared to be duly elected such commissioners.

Where and how bridge to be built.

SECTION 3. Said commissioners shall build said bridge from the point named in section one of this act, across the said Big Wolf river, to connect with the public highway on the opposite side of said river, and the said commissioners may employ some competent bridge builder to construct said bridge under their direction, or they may let the contract for doing said work, to the lowest and best bidder, under such plans and specifications as the said board shall prescribe, notice of the letting of said contract having been given in one or more newspapers published in said county, and by posting up notices in at least five public places in said town, for four weeks previous to the letting of said contract.

Dimensions of bridge.

SECTION 4. The said bridge shall not be less than sixteen feet wide, and to be six feet above high water mark, with strong railing on the sides of said bridge, and shall be constructed and maintained in a safe and substantial manner, for the passage of teams, animals and foot passengers, and shall not in any way interfere with or obstruct the free navigation of said Big Wolf river, or the running or rafting of logs or lumber, and the said bridge shall be constructed across said river as nearly at right angles with the current of said river as may be practicable, and a draw shall be constructed in said bridge over the main channel of said river, and when open, said draw shall have a clear space for the passage of boats or vessels of not less than sixty feet in width upon each side of said draw, and said draw shall be always kept in good working order, and shall be properly opened at all times for the passage of boats, vessels or any craft which cannot safely pass under said bridge.

Tax not to be levied till authorized by vote.

SECTION 5. No tax shall be levied or collected under the provisions of this act, until a majority of the voters of the town of Mukwa, voting upon said ques-

tion shall have voted in favor of said tax, at the annual town meeting held in said town, and all the voters voting at such town meeting upon said question shall deposit a ballot containing the words, "for the bridge tax," or "against the bridge tax."

SECTION 6. The commissioners shall receive for each and every day's services performed under the provisions of this act, such compensation as is paid to the town supervisors, and all expenses incurred under the provisions of this act shall be drawn from the funds as herein provided, to be levied and known as the bridge fund. Per diem of commissioners.

SECTION 7. This act shall take effect and be in force from and after its passage and publication.

Approved March 21, 1872.

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## CHAPTER 68.

AN ACT to amend section four, chapter two hundred and two, private and local laws of 1867, entitled "an act to incorporate the Newville Bridge Company."

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Section four (4) of chapter two hundred and two (202) of the private and local laws of 1867 is hereby amended by adding to said section the following: "and such stock shall be assessed to the owners thereof, in the towns where they reside." Amended.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 21, 1872.

## CHAPTER 69.

[*Published March* 23, 1872.]

AN ACT for the preservation of game in the counties of St. Croix, Polk and Burnett.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

When unlawful to kill grouse.

SECTION 1. It shall be unlawful for any person to kill, destroy or take, or pursue with intent to kill, destroy or take, any grouse, prairie hen or chicken, quail, partridge or ruffed grouse, within the counties of St. Croix, Polk and Burnett, except between the first day of August and the succeeding fifteenth day of December in each year.

Penalty for violation.

SECTION 2. Any person or persons who shall violate the provisions of the preceding section, and every person or corporation, railroad company or express company, and every employe thereof who shall sell or expose for sale, or shall have in his or their possession or custody with intent to sell, dispose of or transport, or otherwise, during the time when the killing of the same is prohibited by this act, any grouse, prairie hen or chicken, quail, partridge or ruffed grouse, shall upon conviction suffer a fine of two dollars for each such grouse, prairie hen or chicken, quail, partridge or ruffed grouse, so killed, destroyed or taken, or pursued with intent to kill, destroy or take, or so sold or exposed for sale, or so had in possession, together with the costs of prosecution.

Before whom and how prosecutions conducted.

SECTION 3. Justices of the peace shall have cognizance and jurisdiction of all offenses under this act, without regard to the aggregate amount of fines imposed in any one case. All prosecutions under this act shall be deemed criminal proceedings, and shall be conducted as provided by law for the prosecution of offenses cognizable before justices of the peace, and in all cases of conviction under this act, one-half of all fines and penalties collected shall be paid over by the justice or person collecting the same, to the person who shall make the complaint in the case.

Not to apply.

SECTION 4. The provisions of sections 1 and 2 of

chapter 78 of the general laws of 1867 shall not apply to said counties of St. Croix, Polk and Burnett.

SECTION 5. All acts and parts of acts conflicting with the provisions of this act are hereby repealed.

SECTION 6. This act shall take effect and be in force from and after its passage and publication.

Approved March 21, 1872.

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## CHAPTER 70.

[*Published March* 23, 1872.]

AN ACT to amend chapter one hundred and twenty-one of the general laws of 1868, entitled "an act relative to compensation of county judges."

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. That the county judge of Oconto county may receive in addition to the compensation now allowed by the county board of said county, the fees and compensations mentioned in section twelve, chapter one hundred and thirty-three, revised statutes of 1858, "relative to the fees of county judge," and that the same shall be collected in manner provided by said chapter one hundred and thirty-three. **Additional compensation.**

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 21, 1872.

## CHAPTER 71.

[*Published March 23, 1872.*]

**AN ACT to amend section one of chapter two hundred and fifteen of the general laws of 1860, entitled an act providing for a lien for labor and services upon logs and lumber in certain counties.**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Amended.

SECTION 1. Section one (1) of chapter two hundred and fifteen (215) of the general laws of A. D. 1860, of the state of Wisconsin, entitled an act providing for a lien for labor and services upon logs and lumber in certain counties, is hereby amended to be and read as follows: Any person, company or corporation that may do or perform any labor or services in cutting, falling, hauling, driving, rafting, booming, cribbing or towing any logs or timber in the counties of Shawano, Waupaca, Outagamie, Winnebago, Fond du Lac, or upon the waters of Lake Winnebago, in this state, or in such portions of Oconto and Brown counties, in this state, wherein such logs and timber are got out upon the Wolf river, or any of its tributaries, or upon any stream running into any tributary of said Wolf river, or when and where such logs or timber are got out for the purpose (or are) run down the said Wolf river or any of its tributaries, or any stream running into any tributary of the said Wolf river, shall have a lien on such logs or timber, for the amount of such labor or services, and the same shall take precedence of all other claims thereon. The provisions of this act shall apply to all such labor or services that may have been done or performed prior to the passage of this act, so far as the provisions of this act can be made applicable thereto, and the person, company or corporation that may have done and performed the same can comply with the provisions of this act.

Shall have lien upon logs.

Application of act.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 21, 1872.

## CHAPTER 72.

[*Published March* 23, 1872.]

AN ACT relating to the preservation of fish in Waushara county.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Section one of chapter three hundred and eleven of the private and local laws of 1871, entitled "an act to amend an act, entitled an act to amend chapter three hundred and ninety-nine of the private and local laws of 1868, entitled, an act for the preservation of fish in certain lakes in the county of Waushara," is hereby amended, by striking out the words, "spear," and "gun," wherever they may appear in said act. Amended.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 21, 1872.

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## CHAPTER 73.

AN ACT to amend chapter one hundred and seven of the private and local laws of 1855, entitled "an act to incorporate the Kenosha Female Seminary," and the acts amendatory of and supplementary thereto.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Chapter one hundred and seven of the private and local laws of 1855 is amended by striking out from the first section thereof, the words, "together with the rector, wardens and vestrymen of St. Matthew's Church, Kenosha, ex-officio." Chapter 107 amended.

SECTION 2. Chapter four hundred and forty-three of the private and local laws of 1866, entitled "an act relative to the board of trustees of the Kenosha Female Seminary," is amended by striking out from the second Chapter 443 amended.

section thereof, the words, "but from the action of this is excepted the ex-officio trustees;" also by striking out the words, "a majority of the trustees residing in Kenosha shall constitute a quorum."

SECTION 3. This act shall take effect immediately on its passage and approval.

Approved March 21, 1872.

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## CHAPTER 74.

[*Published March* 23, 1872.]

AN ACT to legalize the acts of John R. McDonald, a justice of the peace in and for the county of Kewaunee, also of Solomon Berry, a justice of the peace of Door county.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Legalized.

SECTION 1. That all the official acts of John R. McDonald as a justice of the peace in the town of Ahnepee in the county of Kewaunee, in this state, are hereby legalized and declared to be valid for all purposes.

Legalized.

SECTION 2. The official acts of Solomon Berry, a justice of the peace of Door county, from the first Monday of May, 1870, to the first Monday of May, 1871, are hereby legalized and declared valid.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved March 21, 1872.

## CHAPTER 75.

[*Published March* 23, 1872.]

AN ACT to amend chapter two hundred and sixty-seven, private and local laws of 1858, entitled an act to incorporate the city of Stevens Point.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Section one of chapter two of chapter two hundred and sixty-seven of the private and local laws of 1858, is hereby amended by adding after the word, "marshal," in the second line, the words, "a city clerk and city attorney." Amended.

SECTION 2. Section four of chapter three is hereby amended by striking out the words, "common council shall elect a," where they occur in the first line, and the word, "he," where it occurs in the second line of said section. Amended.

SECTION 3. Subdivision twenty-six of section three of chapter four is hereby repealed. Repealed.

SECTION 4. This act shall be in force from and after its passage and publication.

Approved March 21, 1872.

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## CHAPTER 76.

[*Published March* 23, 1872.]

AN ACT to repeal an act entitled "an act to amend chapter one hundred and sixty-seven of the private and local laws of 1858, entitled 'an act to incorporate the village of Fox Lake.'"

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. An act to amend chapter one hundred and sixty-seven of the private and local laws of 1858, entitled "an act to incorporate the village of Fox Lake," and approved March 4, 1871, is hereby repealed. Repealed.

Approved March 21, 1872.

Amended.

SECTION 4. Sections one, two and three of chapter eleven of said chapter fifty-nine, are hereby amended as follows: Strike out the word, "assessor," wherever the same occurs in said sections one, two and three, and insert in lieu thereof the word, "assessors."

Amended.

SECTION 5. Section twenty-two of chapter five of said chapter fifty-nine is hereby amended to read as follows: The common council, at their first meeting in each year, or as soon thereafter as may be, shall order the city clerk to advertise for proposals for such printing or publishing as the common council may direct, except as otherwise provided herein, and such printing and publishing shall be let to the lowest responsible bidders: *provided*, that the common council may, by a two-thirds vote of all the aldermen elect, reject any and all bids, if in their judgment the interests of the city require it; and if all the bids shall be rejected, after such rejection the common council may proceed to let such printing and publishing without re-advertising: *provided*, the contract price shall not exceed the lowest responsible bid for the same. And if no bids are received, they may let the same at such rates as they may deem reasonable. All affidavits and verifications of the fact of the publication of any notice, ordinance, by-law, resolution or any other matter or thing, may be made by any person doing such publishing, or by the foreman or printer in any office in which such publishing may have been done, and such affidavit shall be read in evidence in the same manner, and shall in all respects have the same force and effect, as if made by the city printer: *provided*, that the printing and publishing of the city charter and amendments thereto, together with the city ordinances, and rules and regulations of the common council, or any other job work, may be let by contract in the manner hereinbefore provided, at any time the common council shall direct.

Letting of public printing.

Not to affect municipal courts.

SECTION 6. Nothing herein contained shall be construed as in any manner repealing or affecting an act, entitled an act to provide for two municipal courts in the city of Fond du Lac, the same being chapter four hundred and seventy-four of the private and local laws of 1871.

Legalized.

SECTION 7. The assessment of property in the city of Fond du Lac, made by the five assessors elected in the years of 1870 and 1871, and the levy of taxes

thereon in said years are hereby declared legal and valid in all respects, notwithstanding the error in numbering chapter and sections in chapter three hundred and eighty-four of the local and private laws of 1870, amending chapter fifty-nine of the local laws of 1868.

SECTION 8. The title of chapter five hundred and one of the local and private laws of 1871, approved March twenty-fourth, 1871, is hereby amended to read as follows: "An act to amend chapter fifty-nine of the local laws of 1868, entitled an act to incorporate the city of Fond du Lac, and repeal chapter one hundred and twenty-four of the private and local laws of 1867, entitled an act to consolidate and amend the act to incorporate the city of Fond du Lac and the several acts amendatory thereof, and to amend an act to consolidate the several school districts in the city of Fond du Lac, and the several acts amendatory thereof, approved February fourteenth, 1868." Title amended.

SECTION 9. This act shall take effect and be in force from and after its passage, and the publication of this act in the Fond du Lac Daily *Commonwealth* shall be deemed a sufficient publication of the same.

Approved March 21, 1872.

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## CHAPTER 79.

[*Published March* 26, 1872.]

AN ACT to make the books in the office of the register of deeds of Grant county, showing the entry of lands in said county, *prima facie* evidence of the facts therein stated.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. The respective certificates of Richard S. Reed, late register of the United States land office at Mineral Point, dated September 17, A. D. 1858, now in the books in the office of the register of deeds of Grant county, purporting to show the facts relating to the original entry of certain lands in said county, shall entitle such books to be respectively received as *prima facie* evidence of the facts therein shown, in all courts and places. Shall be received as evidence

SECTION 2. This act shall take effect from and after its passage and publication.

Approved March 21, 1872.

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## CHAPTER 80.

[*Published March* 26, 1872.]

AN ACT relating to volunteer military companies, and to repeal chapter two hundred and sixteen of the private and local laws of 1869.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Repealed.

SECTION 1. Chapter two hundred and sixteen of the private and local laws of 1869, entitled "an act in relation to volunteer military companies in the city of Milwaukee," is hereby repealed; and all the provisions of law of this state relating to military companies are hereby declared to be in full force in the county of Milwaukee.

SECTION 2. This act shall be in force from and after its publication.

Approved March 21, 1872.

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## CHAPTER 81.

[*Published March* 29, 1872.]

AN ACT to amend chapter 551 of the private and local laws of 1866, entitled "an act to organize a union school district in the village of Monroe, in the county of Green."

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Amended.

Shall choose board of education.

SECTION 1. Section three of chapter 551 of the private and local laws of 1866, is hereby amended so as to read as follows: Section 3. The electors of said union school district, at the first annual meeting there-

of after the passage of this act, shall choose by ballot a director, clerk and treasurer and four assistant directors, who shall constitute the board of education for said district, and shall be elected and hold their offices as provided by law in the organization of new common school districts: *provided*, that at the first election held in pursuance of this act, two of said assistant directors shall be chosen for two years and two for one year, and thereafter each assistant director shall be chosen for two years.

Additional section.

SECTION 2. The following shall stand as an additional section to said chapter 551 and be numbered as follows: Section 14. The board of education, at their first regular meeting after the passage of this act, shall elect by ballot one of their number a superintendent, who shall have general supervision over the schools in said union district, and who shall be the general executive officer of the board. It shall be his duty to visit the several schools in said district frequently enough during each term thereof, to enable him, as far as practicable, to obtain full knowledge of their condition, and to submit a written report from time to time to the board of education; such report to embrace the results of his inspection, together with such suggestions and recommendations in regard to remedying defects and improving the methods of instruction and government as in his judgment will increase the efficiency and usefulness of such schools. He shall have power and it shall be his duty to carry into effect in co-operation with the principal of said schools, such measures for the grading, organization, instruction and government of said schools, as may be adopted and recommended by the board of education. The compensation of the superintendent shall be determined by the board of education, but shall not exceed five hundred dollars per annum, and shall be paid out of the school district fund.

Superintendent—his election and duties.

Compensation.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved March 22, 1872.

## CHAPTER 82.

[*Published March* 30, 1872.]

AN ACT to amend chapter three of the private and local laws of 1872, entitled "an act relating to the issue of bonds by the city of Milwaukee, and amendatory of chapter 406 of the private and local laws of 1871," passed February 2, 1872.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Amended.

SECTION 1. Section two of chapter three of the private and local laws of 1872, entitled "an act relating to the issue of bonds by the city of Milwaukee, and amendatory of chapter 406 of the private and local laws of 1871," passed February 2, 1872, is hereby so amended as to insert after the words, "one hundred dollars," the words, "or registered bonds to the amount of ten thousand dollars each."

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 22, 1872.

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## CHAPTER 83.

AN ACT to repeal chapter seventy-four of the private and local laws of 1854, entitled "an act to incorporate the Saint Croix and Lake Superior Railroad Company," and all acts amendatory thereof.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Repealed.

SECTION 1. Chapter seventy-four of the private and local laws of 1854, entitled "an act to incorporate the Saint Croix and Lake Superior Railroad Company," and all acts amendatory of said chapter are hereby repealed.

SECTION 2. All acts or parts of acts conflicting with or in any manner contravening the provisions of this act are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved March 22, 1872.

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## CHAPTER 84.

[*Published April* 4, 1872.]

AN ACT to apply the drainage fund of the town of Lebanon, in the county of Waupaca, for drainage purposes.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. All the drainage fund belonging to the town of Lebanon, in the county of Waupaca, and all the said fund that may be apportioned to said town after the passage of this act, shall be set apart for the use of draining the swamp lands in sections 10, 11, 12, 13, 14, 15, 16, 17, 19, 20, 21, 29 and 30, by digging a ditch through said swamp, commencing at a point in the channel of Maple Creek, on the east side of the bar in said Maple Creek, at or near where the said creek crosses the east line of said town of Lebanon, and continuing said ditch west along the bed or channel of said creek, or as near as practicable to the southwest corner of the northwest quarter of the northwest quarter of section sixteen, in township twenty-three, of range fourteen east. **Application of drainage fund.**

SECTION 2. The supervisors of the said town of Lebanon shall have general charge and supervision of the work of digging said ditch and the charge and disbursement of the moneys arising from the sale of said lands, to be expended as hereinbefore provided. **In charge of supervisors.**

SECTION 3. The supervisors of the said town, on receiving notice from the town treasurer of the amount of drainage money in his hands, shall immediately post up notices in at least three of the most public places in the town, stating in said notices a time and place where they will meet to let out said work. Said notice shall state the kind of work to be done and the amount of money to be expended and shall be posted up at least ten days before the meeting of said board to let out **Shall post up notices of meetings.**

said work. Said meeting shall be at the place where the work is to done, and said work shall be let to the lowest bidder.

Shall give notice of amount.

SECTION 4. The town treasurer of said town of Lebanon, on receiving notice from the county treasurer of the amount of drainage funds apportioned to the said town, shall immediately give notice thereof to the supervisors, of the amount.

SECTION 5. This act shall take effect and be in force from and after its passage.

Approved March 22, 1872.

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## CHAPTER 85.

[*Published April* 6, 1872.]

**AN ACT to amend section three of chapter four hundred and fifty-six of the private and local laws of 1870, entitled "an act directing the county treasurer, clerk of the board of supervisors and sheriff of the county of Outagamie, to provide lists of land to be sold for unpaid taxes, and also to publish election notices in the Appleton *Volksfreund*.**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Amended.

Publication fees.

SECTION 1. Section three (3) of chapter four hundred and fifty-six of the private and local laws of 1870, is hereby amended so as to read as follows: The compensation for the publications hereinbefore authorized shall be the same as other newspapers published in Outagamie county, receive for the same publications, and the county board of supervisors shall audit the accounts for the same, and issue orders upon the county treasurer for the payment thereof.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 22, 1872.

## CHAPTER 86.

[*Published March* 26, 1872.]

**AN ACT to legalize the organization of certain school districts therein named.**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. The proceedings of the town boards of the towns of Shawano, Richmond, Seneca and Herman, in the county of Shawano, in creating and forming the several school districts within their respective towns, are hereby legalized and declared to be valid and of full binding force and effect. **Legalized.**

SECTION 2. All such proceedings taken by either of said new school districts since their organization by said town boards as legally organized school districts may lawfully take, are hereby declared legal and of full binding force and effect, and sections 12, 13 and 14 of chapter 155 of the general laws of 1863, shall be applicable to said school districts from the time of their organization by the said town boards. **Legalized and made applicable.**

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 22, 1872.

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## CHAPTER 87.

[*Published March* 26, 1872.]

**AN ACT for the preservation of fish in Root river, in the counties of Racine and Milwaukee.**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. No person or persons shall place, set, draw or use any seine, net, pound or gill net, in the waters of Root river, in the counties of Racine and Milwaukee, for the purpose of taking or catching fish **Unlawful to fish with nets.**

therein, and any person or persons who shall violate any of the foregoing provisions of this act shall, on conviction thereof, be subject to a fine for each and every such offense of not less than twenty dollars nor more than fifty dollars, with the cost of suit, one-half of said fine to be paid to the complaining witness and the other half into the state treasury.

**Shall have jurisdiction.**

SECTION 2. Justices of the peace shall have jurisdiction to hear, try and decide all cases arising under the provisions of this act: *provided*, that the defendant shall not be deprived of his right of trial by jury nor of his right to appeal, as in other cases.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 22, 1872.

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## CHAPTER 88.

[*Published March* 25, 1872.]

**AN ACT to amend an act entitled an act to amend an act entitled an act to incorporate the city of Mineral Point, approved March 2, 1857, and all acts amendatory thereto.**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

**Amended.**

SECTION 1. Section four (4) of chapter three hundred and forty-seven of the private and local laws of the state of Wisconsin for the year 1866, is hereby amended by adding to the end of said section four (4), the following words: "*and provided further*, that if, for any cause whatever hereafter the school tax levied for any one year shall remain uncollected, the same shall be added to and raised and collected with the tax for the ensuing year."

SECTION 2. This [act] shall take effect and be in force from and after its passage and publication.

Approved March 22, 1872.

## CHAPTER 89.

AN ACT to repeal chapter one hundred and seventy-five of the general laws of 1865, entitled "an act to confer upon the Saint Croix and Lake Superior Railroad all the rights and privileges granted and conferred to the state of Wisconsin by acts of Congress, approved June 3, 1856, and May 5, 1864."

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Chapter one hundred and seventy-five of the general laws of 1865, entitled "an act to confer upon the Saint Croix and Lake Superior Railroad all the rights and privileges granted and conferred to the state of Wisconsin by acts of congress approved June 3, 1856, and May 5, 1864," is hereby repealed. Repealed.

SECTION 2. All acts and parts of acts conflicting with, or in any manner contravening the provisions of this act, are hereby repealed: *provided*, that nothing in this act shall be construed to impair the rights of the "Wisconsin Railroad Farm Mortgage Land Company," to the grant of land made by congress to the state of Wisconsin, approved June 3, 1856. Not to impair rights.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved March 22, 1872.

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## CHAPTER 90.

[*Published March* 29, 1872.]

AN ACT to further amend an act entitled "an act to enable the city of Milwaukee to construct water works and to carry on and manage the same," approved March 24, 1871.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. The board of water works commissioners of the city of Milwaukee, before laying water pipe along a street, alley or other line in said city, shall assess against the several lots, parts of lots or parcels of Shall assess lots.

land which may front or abut on the proposed line of water pipe, or which may be contiguous to and used in connection with any lot or parcel of land so fronting or abutting, the amounts which the said several lots, parts of lots or parcels of land may, in the judgment of the said board, be specially benefited by reason of the laying of such water pipe: *provided*, that no lot, parcel of land or part thereof, shall be subjected to the payment of more than one assessment for water pipe laid in the same street or alley.

**Amount each lot to be assessed.**

SECTION 2. A regular lot (not corner) which may front or abut on the line of water pipe, shall be assessed an amount equal to one-half of the cost, as estimated by the said board of water works commissioners, of furnishing and laying a regular minor water pipe of approved materials and manufacture, with the required openings for connection, with private service water pipe along the front of such lot, such minor pipe to be not less than four nor more than six inches in diameter, as the said board may determine. Every irregular lot, part of lot or other parcel of land fronting or abutting on such line of water pipe, and likewise any parcel of land or lot which shall be contiguous to any parcel of land or lot or part of a lot, so fronting or abutting, and which in the judgment of the said board is or may be most advantageously used in connection therewith, shall be assessed for such water pipe, the amount which in the judgment of the said board shall be as nearly as as may be, in just proportion to the amount assessed for regular lots, as compared with the special benefits derived by each from the laying of the said water pipe.

**How corner lots assessed.**

SECTION 3. Every corner lot, and every lot, part of lot or parcel of land which may front or abut on more than one street, on which a line of water pipe shall be proposed to be laid, shall be assessed for every such line of water pipe, but the aggregate of the assessment therefor on any such lot or parcel of land shall be as nearly as may be, in just proportion to the amount assessed for regular lots, as compared with the special benefits derived by them respectively from the laying of such water pipe. And in making such assessment, the said board shall take into consideration the situation of such lot or parcel of land with respect to its different fronts, and all subdivisions thereof by sale, contract, use or occupation, in severalty, and may assess

such subdivisions separately, and may also assess any subdivision of such lot or parcel of land in connection with any other part of such lot, or other lot or land contiguous thereto, and most advantageously used in connection therewith.

How lots subdivided to be assessed.

SECTION 4. Whenever any lot or parcel of land shall be subdivided by sale, contract or by use or occupation in severalty, whether such subdivisions shall occur before or after the assessment of special benefits as herein provided, the said board of water works commissioners may, after ascertaining such fact, at any time before the sale of such lot, for the non-payment of the assessment, make an equitable apportionment of the benefit tax against such lot or parcel of land among the different subdivisions thereof.

Shall file reports.

SECTION 5. The said board of water works commissioners shall file reports of such assessments with the comptroller, who shall record the same in a book to be kept for that purpose, and give notice thereof to the parties interested, in like manner as is provided by law in case of assessments for street improvements. Any person feeling himself aggrieved by the report of the said board, may, within twenty days after the completion of the publication of notice by the comptroller, appeal to the circuit court of Milwaukee county; such appeal shall be entered and conducted in like manner, and like security for costs shall be required, as is provided by law in appeals from the decision of the common council of said city, to said court, on the returns of assessments of benefits for street improvements. In the making and signing of all reports or returns under this act, by the said board of water works commissioners, to the comptroller or any other officer of said city, the official signatures of the president and secretary of said board shall be sufficient.

May appeal from assessment.

Shall report to comptroller.

SECTION 6. The said board of water works commissioners shall, from time to time, make reports to the comptroller, of all work done for which assessments shall have been made as hereinbefore provided, and the comptroller shall file such reports, and enter the same in his book of records of assessments; and of all assessments for work so reported to have been done, the comptroller shall make certified returns to the city clerk, in time to include the same in the tax levy for the current year, if possible, and the same shall be en-

tered on the tax roll in a separate column, under the head of "water pipe assessments," and the same shall be collected and the payment thereof shall be enforced by sale, deed and other proceedings, in like manner as is now provided by law in cases of assessments for street improvements. No certificates shall be issued by the comptroller for such assessments, but all such assessments and the proceeds thereof, when collected, shall belong to the fund for the construction of water works under the control of said board of commissioners, and shall be credited to said fund on the book of the comptroller and treasurer of said city.

Approved March 22, 1872.

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## CHAPTER 91.

[*Published March* 26, 1872.]

AN ACT to legalize the official acts of Elijah Powell as assessor and treasurer of the town of Viroqua.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Legalized.

SECTION 1. All acts of Elijah Powell as treasurer and assessor of the town of Viroqua, Vernon county, for the years 1869, 1870 and 1871, are hereby declared to be legal and valid.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 22, 1872.

## CHAPTER 92.

[*Published April* 6, 1872.]

**AN ACT to attach certain territory to the village of Shawano.**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Township number twenty-eight (28) north, range number thirteen (13) east, and township number twenty-eight (28) north, range number fourteen (14) east, in Shawano county, are hereby attached to the village of Shawano. **Attached.**

SECTION 2. This act shall take effect from and after its passage and publication.

Approved March 22, 1872.

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## CHAPTER 93.

[*Published April* 4, 1872.]

**AN ACT to amend section 1 of chapter 58 of the general laws of 1871, entitled an act to amend section 1 of chapter 105 of the general laws of 1870, entitled an act for the preservation of game in the counties of Milwaukee, Racine, Kenosha, Waukesha, Walworth, Jefferson, Rock, Green, Dane, La Fayette and Grant.**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Section 1 of chapter 58 of the general laws of 1871, entitled an act for the preservation of game in the counties of Milwaukee, Racine, Kenosha, Waukesha, Walworth, Jefferson, Rock, Green, La Fayette, Grant, Winnebago, Fond du Lac, Dane, Green Lake, Waupaca, Dodge or Waushara, is hereby amended so as to read as follows: "No person shall catch, kill, or otherwise destroy, or have in his possession, or expose for sale, any woodcock in the counties of Milwaukee, Racine, Kenosha, Waukesha, Walworth, Jefferson, Rock, Green, La Fayette, Grant, Winnebago, **Amended.** **Shall not kill grouse, etc.**

Fond du Lac, Dane, Dodge, Green Lake, Waupaca, Waushara or Richland, between the fifteenth day of November and the succeeding fourth day of July in each year, nor any grouse, prairie hen or chicken, partridge, ruffed grouse or quail, between the fifteenth day of November and the succeeding twentieth day of August in each year, under a penalty of ten dollars for each such game bird caught, killed, or otherwise destroyed, or had in possession or exposed for sale."

Shall not kill duck.

SECTION 2. No person shall catch, kill or otherwise destroy or have in his possession, or expose for sale, any "mallard or red neck" duck in any of the counties mentioned in section one af this act, between the first day of March and the first day of August, under the penalty in section one of this act mentioned.

Shall not trap grouse, etc.

SECTION 3. No person shall at any time or at any place within either of the counties named in the first section of this act, catch or take with any trap, snare or net, any grouse, prairie hen or chicken, partridge, ruffed grouse, quail or wild duck, under a penalty of ten dollars, for each grouse, prairie hen or chicken, partridge, ruffed grouse, quail or wild duck so caught or taken, except when so trapped or snared upon his or her own premises.

SECTION 4. This act shall take effect and be in force from and after its passage.

Approved March 22, 1872.

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## CHAPTER 94.

[*Published March* 30, 1872.]

AN ACT to amend chapter four hundred and seventy-four of the private and local laws of the year 1871, entitled an act to provide for two municipal courts in the city of Fond du Lac.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Amended.

SECTION 1. Section twelve (12) of chapter four hundred and seventy-four of the private and local laws of the state of Wisconsin of the year 1871, is hereby amended by adding to said section the follow-

ing: The said judges shall also collect from the plaintiff in all civil cases commenced before them (except in prosecutions for violation of city ordinances,) a tax of fifty cents, which shall be taxed in the bill of costs against the losing party, and paid by said judges to the treasurer of said city, in the manner provided in the act to which this is amendatory, for the payment of fees of said judges in civil cases. **Shall collect suit tax.**

SECTION 2. Section twenty-one (21) of said chapter is hereby amended as follows: by striking out all after the words, "but they shall be deemed courts of inferior and limited jurisdiction," in the third and fourth lines of said section, and adding thereto as follows: And the judges of said courts shall have jurisdiction over and cognizance of the following actions: **Amended.** **Jurisdiction of the judges.**

*First.* Actions arising and growing out of contracts, express or implied, wherein the debt or balance due or damages claimed shall not exceed three hundred dollars. **Actions on contracts.**

*Second.* Actions for injuries to persons or to real or personal property, wherein the damages claimed shall not exceed three hundred dollars. **For injuries.**

*Third.* Actions to recover the possession of personal property, wherein the value of the property claimed shall not exceed three hundred dollars. **To recover possession.**

*Fourth.* Actions for forcible entry and detainer. **Forcible entry.**

*Fifth.* Actions for a penalty not exceeding three hundred dollars given by any statute of this state. **For penalties.**

*Sixth.* To take and enter a judgment on the confession of a defendant, where the amount confessed shall not exceed five hundred dollars. **Judgment on confession.**

*Seventh.* Actions on a note, bill, bond or other instrument in writing given for the payment of money or other valuable articles, for any amount over three hundred dollars, which has been reduced by credits or payments endorsed thereon to an amount not exceeding three hundred dollars. **On note.**

*Eighth.* Actions where payments are to be made by instalments on any bond, note or other instrument in writing, as they shall become due, when such instalments shall not exceed the sum of three hundred dollars. **For instalments.**

*Ninth.* Actions on any surety bond taken by them, though the penalty or amount claimed shall exceed three hundred dollars. **On sureties.**

On bonds.

*Tenth.* All actions on any surety bonds given in favor of any town, though the penalty exceed three hundred dollars, and the damage claimed shall not exceed three hundred dollars.

On accounts.

*Eleventh.* All actions founded on any account where the amount proved to the satisfaction of the judge, shall not exceed five hundred dollars, and the same shall be reduced to an amount not exceeding three hundred dollars by credits given, or by the set off or demand of the opposite party.

For bastardy.

*Twelfth.* The judges of said court shall also have jurisdiction over, and cognizance of all actions and proceedings upon complaint for bastardy, under chapter thirty-eight of the revised statutes of the state of Wisconsin of the year 1858, entitled of the support of bastards, and of all the amendments thereto, in the same manner, and to the same extent as is now given by law to justices of the peace.

In all other actions.

*Thirteenth.* In all other actions and proceedings, both civil and criminal, except as otherwise provided in this act, and the act to which this act is amendatory the jurisdiction, power and authority of the judges of said courts shall be the same as that of justices of the peace under the laws of this state.

Losing party to pay attorney fees.

SECTION 3. In all civil causes brought before the said courts, attorneys' fees shall be allowed and taxed against the losing party, and in favor of the prevailing party, when an attorney of a court of record has appeared therein for the party obtaining judgment, either for damages or costs, or both: *provided*, the defendant or defendants have appeared and put in an answer or demurrer, and the party against whom judgment shall be rendered shall have contested some question which shall be decided against him or them, and in all cases when the amount of the judgment shall be fifty dollars or less, the attorney's fees taxed in favor of the prevailing party shall be five dollars, and ten dollars in all cases when the judgment, exclusive of costs, shall exceed the sum of fifty dollars. An attorney fee of ten dollars shall also be taxed and recovered in favor of the party recovering judgment, and against the party against whom judgment shall be rendered upon default, when the amount of such judgment, exclusive of costs, shall exceed the sum of two hundred dollars.

SECTION 4. Section fourteen (14) of said chapter is hereby amended as follows, by inserting after the word and figures, "Section 14," and before the words, "no cause commenced," in the first line of said section, the following: No criminal action or proceeding commenced or brought before either of said judges, wherein said judges have jurisdiction only to examine and admit to bail and commit for trial to the circuit court, shall be removed from the judge before whom the same is brought or commenced, on the ground of prejudice or other cause, or for any ground or reason, except as hereinafter provided.

**Amended.**

**Not to be removed.**

SECTION 5. All general laws of the legislature of the state of Wisconsin, hereafter enacted and passed, giving and conferring jurisdiction, power or authority to justices of the peace to do any act, shall be considered and deemed to confer the same jurisdiction, power and authority upon the judges of said court, and they shall thereby be vested with the same jurisdiction, power and authority as shall by such act or acts be given to justices of the peace within the county of Fond du Lac; but said acts of a general nature shall in no way or manner affect the jurisdiction, power and authority of said judges, as specifically given and conferred in this act and the act to which this is amendatory.

**General laws shall confer jurisdiction.**

SECTION 6. All acts and parts of acts which contravene the provisions of this act are hereby repealed.

SECTION 7. This act shall take effect and be in force from and after its passage and publication.

Approved March 22, 1872.

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## CHAPTER 95.

[*Published March* 30, 1872.]

**AN ACT to establish a board of review of assessments for the city of Stevens Point, and repealing all acts inconsistent therewith.**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. The board of review of assessments for the city of Stevens Point shall hereafter consist of the

**Board of review established.**

mayor, city clerk, city assessor, city attorney and the senior alderman from each ward of said city, and whenever the said aldermen shall be unable to attend the meeting of the board, the junior aldermen from the wards of said city shall attend as members of such board upon notice from the mayor.

Powers and duties.

SECTION 2. The powers and duties of the board of review hereby created shall be such as are prescribed by the general laws of the state.

SECTION 3. All acts and parts of acts inconsistent with this act are hereby repealed.

SECTION 4. This act shall take effect and be in force from and after its passage.

Approved March 22, 1872.

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## CHAPTER 96.

AN ACT to provide for laying out and establishing a state road from Shiocton, in Outagamie county, to White Lake, in Shawano county.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Commissioners

SECTION 1. O. P. Worden, C. L. Rich and W. D. Jordan are hereby appointed to lay out and establish a state road, commencing at some point to be designated by said commissioners in the village of Shiocton, in the county of Outagamie, and running thence as near as may be, upon the most feasible route, in the judgment of said commissioners, to White Lake, in section thirty-two, town twenty-six, range seventeen, Shawano county.

Compensation.

SECTION 2. Any two of said commissioners may proceed to lay out and establish said road, and upon the performance of said service, shall be entitled to receive a reasonable compensation therefor from the counties through which said road shall pass: *provided*, that no part of said expense shall be paid out of the state treasury.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved March 22, 1872.

## CHAPTER 97.

[*Published March* 26, 1872.]

AN ACT to revise, consolidate and amend the act to incorporate the city of Green Bay and the several acts amendatory thereto, approved March 16, 1870.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. From and after the passage of this act, it shall not be lawful for the city of Green Bay to subscribe for the capital stock of any railroad, or to issue its bonds to aid in the construction of any railroad: *provided, however*, that this act shall not be construed to interfere with or invalidate any bonds already issued in aid of any railroad. **May subscribe for railroad stock.**

SECTION 2. No act or part of any act heretofore passed by the legislature of the state of Wisconsin shall be construed as repealing this act or any part thereof, unless the same shall be passed as an amendment to the charter of the city of Green Bay, and specifically repeals this act, **Not repealed by previous acts.**

SECTION 3. All acts and parts of acts inconsistent or conflicting with the provisions of this act are hereby repealed. **Repealed.**

SECTION 4. This act shall be void unless the legal voters of the said city of Green Bay, at the annual charter election, to be held in the several wards of said city on the first Tuesday of April, A. D. 1872, shall determine to accept the same, and such vote shall be had, returned and canvassed, in the same manner as the vote at charter elections in said city. The tickets which shall be polled upon such question shall be deposited in a separate box provided for that purpose in each ward, and shall contain either the words, "in favor of the law refusing aid to railroads," or "against the law refusing aid to railroads." If a majority of votes cast at such charter election shall be in favor of "the law refusing aid to railroads," the mayor of said city shall make proclamation of the fact, and thereupon this act shall take effect and be in force from and after the first day of June 1872. **To be submitted to vote.** **Form of ballot.**

Approved March 23, 1872.

## CHAPTER 98.

[*Published April* 4, 1872.]

AN ACT to confirm the right of the Wisconsin Railroad Farm Mortgage Land Company in the contract made with the St. Croix and Lake Superior Railroad Company, on the 10th day of March, 1857.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Declared to be successors.

SECTION 1. The "Wisconsin Railroad Farm Mortgage Land Company" is hereby declared to be the legal successor (as to the rights acquired and conferred in and to a portion of the lands granted by congress to the state of Wisconsin, by an act approved June 3, 1856,) of the La Crosse and Milwaukee Railroad Company, as fixed and reserved in and by the contract entered into by and between the La Crosse and Milwaukee Railroad Company, and the St. Croix and Lake Superior Railroad Company, which contract was executed by the said companies, on the 10th day of March, 1857, and was, as by law required, filed and recorded in the office of the secretary of state, on the 19th day of November, 1857.

Governor shall execute provisions of this act.

SECTION 2. It is hereby made the duty of the governor of this state, or his successor and successors in office, to carry out the provisions of the said contract, and convey to the said "Wisconsin Railroad Farm Mortgage Land Company," out of the lands so granted to the state by the aforementioned act of congress, approved June 3, 1856, such quantity of said lands which have been or hereafter may be made applicable thereto as shall make, together with the lands heretofore conveyed to the said "Wisconsin Railroad Farm Mortgage Land Company," the exact amount of six sections for each mile of the railroad constructed by the said La Crosse and Milwaukee Railroad Company from Portage City to Tomah, being a distance of sixty-one miles.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved March 23, 1872.

## CHAPTER 99.

AN ACT to authorize Aslag Anderson to build and maintain a dock and pier extending into Green Bay.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Aslag Anderson and his assigns are hereby authorized to build and maintain a dock and pier extending into the bay of Green Bay, at Eagle Harbor in Door county, from section thirteen, town thirty-one, range twenty-seven; and they are empowered to extend said dock and pier into said bay as far as may be necessary to secure good shipping facilities. **May build dock and pier.**

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 23, 1872.

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## CHAPTER 100.

AN ACT to amend chapter three hundred and seventy-six of the private and local laws of 1868, entitled an act to authorize George A. Gore to maintain a dam across Apple river.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. George A. Gove, his heirs and assigns are hereby authorized to build, keep up and maintain a dam across Apple river, in the county of Polk, at or immediately above that part of said river known as Little Falls, on section twelve (12), in town thirty-two north, of range seventeen (17) west. Section two [of said chapter 376] is hereby amended by adding at the end of said section the following words: "and for that purpose all the provisions of chapter fifty-six of the revised statutes, entitled 'of mills and mill dams,' are hereby applied to the same;" also by inserting "George A. Gove," in the sixth line in place of "George A. Gore," so that said section as amended will **May keep dam.** **Amended.** **Provisions of revised statutes to apply.**

Height of dam and payment of damages.

read as follows: Section 2. Such dam may be erected of the perpendicular height of twelve (12) feet: *provided*, that if the said dam shall cause the aforesaid river to overflow the land of any peson, except the proprietors of such dam, to the injury of the owner or owners thereof, said George A. Gove, his heirs or assigns shall pay in full all damages accruing at any time, in such manner when such damages shall be determined by due process of law; and for that purpose all the provisions of chapter fifty-six of the revised statutes, entitled "of mills and mill dams," are hereby applied to the same.

Amended.

SECTION 2. Sections three and four are hereby amended by striking out "George A. Gore" whenever it occurs in said sections, and inserting the name, "George A Gove," so that the same shall read as follows: Section 3. The said George A. Gove, his heirs or assigns, are hereby authorized, and in case of the erection of a dam in accordance with the provisions of this act, enjoined to construct such sluiceway, slide or chute as may be suitable and necessary to afford a convenient passage for logs, lumber and timber past said dam. Section 4. The said George A. Gove, his heirs and assigns are hereby authorized to demand, levy, sue for, recover, collect and receive from the owner or owners of all logs, timber or lumber, passing down said Apple river and through the sluiceway, slide or chute, or over the dam constructed in accordance with this act, toll at the rate of five (5) cents per thousand feet, the amount of said lumber, timber or logs to be determined by the scale of the same which was made previous to its rafting, and the said toll shall be and remain a lien upon such lumber, timber and logs until the same shall be paid, and the said Gove, his heirs and assigns shall be entitled to the possession of said logs, lumber and timber at any and all times after they have become subject to such toll until the same shall be paid.

Shall construct slide.

May collect toll and the rates.

Toll shall be a lien.

Penalty for willful injury to dam.

SECTION 3. Any person or persons who shall wilfully and maliciously destroy or injure said dam, or any part thereof, shall be liable to its proprietors in an action of trespass for the amount of damages done, in addition to the penalties already prescribed by law, to be recovered in any court of competent jurisdiction.

SECTION 4. This act shall be in force and take effect from and after its passage.

Approved March 23, 1872.

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## CHAPTER 101.

[*Published March* 25, 1872.]

**AN ACT to divide the ninth ward of the city of Milwaukee.**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. All the territory now included in the ninth ward of the city of Milwaukee, which lies west of the center line of Seventh street, north of the center of Vliet street and south of the center line of Walnut and Fond du Lac avenue, shall hereafter constitute and be the ninth ward of the city of Milwaukee. And all the territory now included in the ninth ward of the city of Milwaukee, which lies west of the center line of Seventh street and its continuation to the northern boundary line of said city, and north of the center line of Walnut street and Fond du Lac avenue, shall constitute and be the tenth ward of the city of Milwaukee; and said ninth and tenth wards hereby created, shall have all the rights, privileges immunities and powers, and be subject to the same laws, regulations and ordinances as the other wards in said city.

**What to constitute the ninth ward.**

**The tenth ward.**

SECTION 2. At the next annual charter election in the city of Milwaukee, there shall be elected in the ninth ward hereby created, one alderman, who shall hold his office for one year, and one councilor, who shall hold his office for two years. And there shall be elected in the tenth ward hereby created, one alderman, who shall hold his office for one year, and two councilors, one of whom shall hold his office for one year, and one of whom shall hold his office for two years, and annually thereafter there shall be elected in each of the aforesaid ninth and tenth wards, one alderman, who shall hold his office for the term of one year, and one councilor, who shall hold his office for two years;

**Election of aldermen and their terms of office.**

and the councilor elected for two years in the ninth ward at the last city election shall continue and be councilor for said ninth ward hereby created, for the remainder of his term of office, and it shall be the duty of the common council to appoint the usual number of inspectors of election in each of said ninth and tenth wards, and to designate the places for holding the elections of said wards.

Election of justices.

SECTION 3. At the next annual city election in the city of Milwaukee, there shall also be elected in each of the aforesaid ninth and tenth wards hereby created, one justice of the peace and one supervisor, each of whom shall hold his respective office for the term of years and in the manner as now is provided by law.

How dockets and papers provided for.

SECTION 4. The dockets and all other papers in suits required by law to be kept by justices of the peace, and heretofore belonging in the ninth ward of the city of Milwaukee, shall hereafter belong to and remain in the ninth ward hereby created, and be kept by the justice of said ninth ward, and the justice of the tenth ward hereby created, when elected and qualified, shall begin a new docket.

Apportionment of indebtedness and ward funds

SECTION 5. It shall be the duty of the city comptroller to apportion the amount of city indebtedness now charged to the ninth ward, between the ninth and tenth wards hereby created, in proportion to the respective equalized assessment rolls for the year 1872, and all property, real or personal, if any there be, and which, prior to the passage of this act, belonged to the ninth ward of the city of Milwaukee aforesaid, shall hereafter belong jointly to the ninth and tenth wards of said city. And the city comptroller aforesaid shall also apportion the ward fund of the ninth ward, if any there be, between the ninth and tenth wards hereby created, in the ratio of the equalized assessment rolls for the year 1872, and shall charge to the proper wards respectively the first apportionment so made.

SECTION 6. This act shall take effect and be in force from and after the thirty-first day of March, A. D. 1872.

Approved March 23, 1872.

# CHAPTER 102.

[*Published March* 30, 1872.]

AN ACT to amend an act entitled "an act to consolidate and amend an act to incorporate the city of Milwaukee, and the several acts amendatory thereof," approved February 20, 1852.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Every person signing, as a resident or freeholder, any petition required by law to be signed by residents or freeholders in the city of Milwaukee or in any ward thereof, shall be required to write after his signature thereto, a brief description of his real estate, which makes him such freeholder, or some part thereof, and of the place of his residence in the said city, and he may at his option, make and annex to such petition an affidavit that he is a resident and freeholder in the said city or ward, as the case may be, and thereupon, in case he makes such affidavit, he shall be taken to be such resident or freeholder, or both, as the case may be, and such petition shall be as valid and have the same effect as if such person were such resident or freeholder, or both as the case may be, although in fact it should appear that he was not such resident or freeholder.

**Petitioners to give description of real estate.**

SECTION 2. Every person in the actual possession of real estate in the said city, under a valid contract in force for the purchase thereof from the owner, shall be held in virtue thereof to be a freeholder within the meaning of all acts incorporating said city or amending the same, and to be the owner of such real estate for the purpose of petitioning as owner thereof.

**Held to be a freeholder.**

SECTION 3. Whenever a petition shall be presented to the common council of the said city, representing that it is necessary to take lands within the ward where the petitioners reside, for public use, for the purpose of laying out public squares, grounds, streets or alleys, or enlarging or widening the same, the application for a jury now required by law, shall be made by the city attorney to the circuit or county court of Milwaukee county, at some term of such court when there is a

**Application for laying out streets, etc.**

Appointment of jury to award damages.

petit jury serving therein. And it shall be the duty of such court to order such jury to be drawn, and such jury shall accordingly be drawn from the panel of petit jurors, in the same manner as petit juries are drawn for the trial of civil causes, with the same right of challenge by the said city and by persons interested in lands proposed to be taken or in the taking thereof, as in civil causes. And the notice now required by law to be published shall conform to the foregoing provisions, and the jury, when chosen, shall take the oath required by law in open court, in the same manner as other petit juries are sworn therein, and shall perform the duties required of them by law in that behalf, subject to the direction and control of such court, and shall receive the same compensation and be entitled to the same credit for attendance as jurors in such court for the time occupied in their duties in that behalf, as if they were empaneled to try a civil cause in such court. Such jurors need not be freeholders or residents of the said city, and may be residents of the ward in which the property to be taken is situated, but shall not be personally interested therein, or in the taking thereof. The jury so appointed shall make their report in writing to such court, and the clerk of such court shall make a minute in the records of such court of the empaneling of such jury and of their report, and thereupon transmit such report to the clerk of the common council of the said city. But it shall not be necessary for such jury to reduce the testimony taken before them to writing, or to report the same, and it shall not be necessary for such jury to give any notice of their meeting, but they shall when empaneled and sworn as aforesaid, immediately proceed to the performance of their duties, and may adjourn from day to day, when necessary or convenient.

Report of jurors.

Petition for street grading, etc.

SECTION 4. Whenever a petition is required by law to be presented to the common council to grade or otherwise improve any street, alley, sidewalk or public ground, or to dredge or dock any of the rivers or canals, or to abate any nuisance in the said city, such petition when required to be signed by the resident owners of a majority of the feet in front of all lots fronting upon such grading or other improvement, shall hereafter be signed by the owners of a majority of the feet in front of the improvement, resident within the said city,

whether or not resident of the ward or wards in which such work is proposed to be done.

SECTION 5. Whenever it shall have been determined by a report of the jury that it is necessary to take lands for public use, for the purpose of laying out public squares, grounds, streets or alleys, or of enlarging or widening the same, and such report shall have been confirmed by the common council and referred to the board of public works, the board of public works shall have power, in their own discretion, or upon the written request of the alderman and councilors of the ward in which such lands so to be taken are situated, to view the premises with such alderman and councilors, and together with such aldermen and councilors, to determine whether the whole cost thereof should be chargeable as benefits to the lots and lands subject thereto, or whether any or what portion of such costs should be chargeable to and paid out of the ward fund of the ward in which such lots or land are situated; and if the said board of public works and the said alderman and councilors shall determine that any proportion of such cost should be paid out of such ward fund, they shall so report the same in writing to the common council, stating in their report what proportion should be so paid, and thereupon the common council shall have power by resolution, duly passed by a vote of two-thirds of the members of each board thereof, to order the proportion of such cost so reported by the said board of public works and the said alderman and councilors, or any greater or less proportion thereof, to be charged to the ward fund of the proper ward, which shall accordingly be done; and thereafter the benefits to lots or lands shall not be assessed for more than the remaining proportion of such cost: *provided, nevertheless*, that no such resolution shall be passed or have any effect so to change the ward fund of any ward, unless the alderman and councilors of such ward shall all sign such report as aforesaid.

**Board of public works to view premises and make report.**

SECTION 6. The board of health of the said city shall have power to authorize the health officer by them appointed, to exercise any or all of the powers conferred on them, and all directions and orders of the health officer, made under such authority of the board of health, shall have the same force and effect as if made by the said board.

**Powers of the board of health**

How school buildings to be repaired.

SECTION 7. All repairs and alterations in the school buildings of said city, and in the premises attached thereto, shall be made by the board of public works in the same manner as the said board of public works is authorized to do other similar work. And whenever any such repairs or alterations are deemed necessary by the board of school commissioners, it shall be their duty to report the same to the common council of the said city for their order and direction in the premises.

Chief of police to give bond.

SECTION 8. Before the treasurer of the said city shall issue his warrant to the chief of police of the said city, for the collection of unpaid personal taxes as now provided by law, the chief of police shall give a bond to the said city, with at least three sureties, in the penal sum of twenty thousand dollars, conditioned for the faithful execution of such warrant, and for the payment to the city treasurer of all personal taxes by him collected or received under or by virtue of the said warrant in pursuance of law; such bond shall be executed and approved as other official bonds of other officers of the said city are required by law to be executed and approved. After the annual municipal election in the year 1872, the term of office of the chief of police shall be three years.

May levy tax for any work or expense.

SECTION 9. Whenever the city of Milwaukee is or shall be authorized by law to do any work or to go to any expense, or to raise or appropriate any amount for which no fund or moneys in possession of the said city are applicable, the common council of the said city shall have power to levy a tax upon the taxable property of the said city or upon the taxable property of any ward or wards therein, as the nature of such work or expense may be chargeable to the said city or to any ward or wards therein. The common council of the said city shall have the like power to levy a tax for the payment of any unpaid judgment against the said city for the payment of which no fund or moneys in the possession of the said city are applicable, such taxes to be levied at the same time and in the same manner as other taxes are authorized to be annually levied in the said city: *provided, however*, that the said city shall not have power to undertake the construction of any building, bridge or other structure unless the same shall have been authorized by law within two years next preceding such undertaking.

For payment of judgments.

SECTION 10. The common council of the said city shall have power on or after the first day of May in each year, to create and set apart a contingent fund not exceeding five thousand dollars in amount, and the contingent fund so created may be appropriated trom time to time by appropriation of different sums by a vote of three-fourths of all the members of each board of the common council, for any purpose or purposes to be declared by their resolution a proper expense to be defrayed by the said city. **May set apart a contingent fund**

SECTION 11. The salaries of all the officers of said city mentioned in this section shall be as follows: of the mayor, two thousand dollars per annum; of the clerk of the common council, one thousand and five hundred dollars; of the deputy clerk of the common council, one thousand dollars; of the city treasurer, four thousand dollars; of the city comptroller, three thousand dollars; of the deputy of the city comptroller, one thousand dollars; of the city attorney, thirty-five hundred dollars; of the assistant city attorney, one thousand dollars; of the chief engineer of the fire department, two thousand dollars; of the assistant engineer of the fire department, one thousand dollars; of each engineer of the steamers of the fire department, one thousand dollars; of each foreman, fireman, pipeman and driver of the fire department, eight hundred dollars; of the chief of police, two thousand dollars; of the first lieutenant of police, one thousand and five hundred dollars; of the second lieutenant of police, one thousand two hundred dollars; of each detective of the police, one thousand dollars; of each other policeman, eight hundred dollars; of the harbor master, eight hundred dollars; of the tax commissioner, two thousand dollars; the members of board of public works, one thousand eight hundred dollars. **Salaries of city officers.**

SECTION 12. All the duties of attorney and counsel for said city shall be performed by the city attorney and his assistant. The city attorney may employ other counsel at his own expense to assist him, but the said city shall not be liable or have any power to pay therefor. And the allowance of one thousand dollars for fees of assistant counsel, made by section three of an act entitled an act to amend an act entitled an act to consolidate and amend an act to incorporate the city of Milwaukee and the several acts amendatory thereof, **City not liable for payment of counsel employed by city attorney.**

approved February 20th, 1852, being chapter 283 of the general acts of 1865, approved April 3d, 1865, and all the provisions of law of like tenor are hereby repealed.

Repealed.

Powers of harbor master, etc.

SECTION 13. The harbor master and the bridge tenders of the said city shall have and possess within the said city all the powers of policemen of the said city, without any compensation or claim to compensation therefor.

Terms of office.

SECTION 14. All city officers shall hold their respective offices for the terms for which they shall be elected or appointed, and until their successors are duly elected or appointed and qualified.

Letting of the public printing.

SECTION 15. Whenever the lowest bidder for incidental city printing for the said city shall appear to the comptroller of the said city and the joint committee of the common council on printing to be incompetent or otherwise unreliable for doing the same, the said comptroller and joint committee shall report to the common council of said city a schedule of all the bids for such printing, together with their objections to accepting the bid of the lowest bidder therefor, and thereupon the common council shall have power either to order such printing to be let to the next lowest bidder who shall appear to be competent and reliable, or to order such printing to be re-let.

Power to impose fines.

SECTION 16. The common council of said city shall have power by ordinance to impose fines for all violations within the limits of the said city, of the general laws of the state, when in their judgment it is necessary for the peace and good order or health of the said city.

Treasurer to deposit money.

SECTION 17. The treasurer of the board of water commissioners of the said city shall deposit to the credit of the said board of water commissioners in the bank or banks selected or to be selected by the said city, in pursuance of section 6 of chapter 7 of the private and local laws of 1871, entitled an act to repeal chapter 429 of the private and local laws of the year 1870, entitled an act to amend the act to incorporate the city of Milwaukee and the acts amendatory thereof, approved March 16, 1870, and revise [revive] and re-enact all laws in relation to the collection of taxes, the receipts and disbursements of moneys by the treasurer of the city of Milwaukee, and to legalize his

proceedings since the 15th day of March, A. D. 1870, approved January 26, 1871, all moneys in his hands as such treasurer. And all interest to be paid by such bank therefor, shall be primarily subject to the payment of the accruing interest on all water bonds issued by the said city, and outstanding under chapter 406 of the private and local laws of 1871, entitled an act authorizing the city of Milwaukee to issue bonds, approved March 23, 1871, and shall be so appropriated by the said water commissioners: *provided, however*, that the said board of water commissioners may, in their discretion, appoint any other bank in the city of Milwaukee as the depository of the moneys in the hands of their treasurer, upon such bank giving the like security and paying the like interest as the banks selected or to be selected by the common council of the said city, under and in pursuance of the said act of the legislature, and that thereupon the treasurer of the said board shall deposit moneys in his hands as such treasurer in the bank so appointed by the said board.

Appropriation of accrued interest.

May appoint other bank for deposit.

SECTION 18. The common council of the said city is hereby authorized to erect a building for the steam fire engine, "Harrison Ludington," at a cost not to exceed thirteen thousand dollars, and a building for the steam fire engine, "Solomon Juneau," at a cost not exceeding seven thousand dollars, being the same amounts respectively provided for in that behalf in section twenty-one of this act.

May erect engine house.

SECTION 19. The common council of the said city is hereby authorized to erect a building to be used for a primary school house in the seventh ward of the said city, and to purchase the necessary land therefor, at a cost not exceeding fifteen thousand dollars in the whole, and to purchase a lot for the eighth ward Douglass school house, at a cost not exceeding eight hundred dollars, and to purchase a lot or lots for the eighth ward Franklin school house, at a cost not exceeding nine hundred dollars, and to purchase one or more lots in the northern part of the ninth ward of said city for school purposes, at a cost not exceeding two thousand dollars, being the same amounts respectively provided for in that behalf in section twenty-one of this act.

May erect school house, and purchase lots.

SECTION 20. The common council of the said city is hereby authorized to erect a new swing bridge across

May erect bridges across the Menomonee

the Menomonee river on the Muskego road, at a cost not exceeding twenty thousand dollars, and a new wooden draw-bridge across the Menomonee canal at sixth avenue, at a cost not exceeding three thousand dollars, being the same amounts provided for in that behalf in section twenty-one of this act.

**May create a general city fund—the sums and purposes specified.**

SECTION 21. The common council of the said city shall have power in addition to other sources of revenue or income applicable thereto, to create and appropriate a general city fund for the municipal year, commencing on the third Tuesday of April, 1872, from the taxes to be levied in the said city in the said year, which fund shall embrace the following sums: fifty thousand dollars for general city purposes; forty-four thousand dollars for the current expenses of the fire department; four thousand and five hundred dollars to pay for the steam fire engine called the "Harrison Ludington;" one thousand six hundred and ninety dollars to pay for a new hose truck; two thousand and one hundred dollars to pay for new rubber hose; four thousand and five hundred dollars to pay for fire alarm boxes; thirteen thousand dollars to erect a building for the steamer, "Harrison Ludington;" seven thousand dollars to erect a building for the steamer, "Sollomon Juneau;" thirty-seven thousand and five hundred dollars for the current expenses of the police department; eleven thousand dollars for the current expenses for attending bridges; twenty-two thousand dollars for the construction of a bridge across the Menomonee river on Muskego road; three thousand dollars for the construction of a bridge across the Menomonee canal at sixth avenue; twelve thousand dollars for keeping bridges in repair; five thousand dollars for keeping school buildings in repair; eight hundred dollars for the purchase of a lot for the eighth ward Douglass school; nine hundred dollars for the purchase of a lot or lots for the eighth ward Franklin school; three thousand dollars for the purpose of remodeling the eighth ward Douglass school house; three thousand dollars for remodeling the second ward Jefferson school house; three thousand dollars for remodeling the seventh ward Hadley school house; and five hundred dollars for fitting up rooms in the first ward Juneau school; one thousand dollars for repairing lots, fences and sidewalks of the third ward Jackson school house;

five hundred dollars for the fifth ward Bentley school house; ten thousand dollars for dredging the middle ground and the crossings of navigable rivers, and for docking in front of city property; fifteen thousand dollars to purchase land for the erection of a primary school in the seveath ward of the said city, and to erect the school house building thereon, and two thousand dollars for one or more lots for school purposes in the northern part of the ninth ward.

**May create a sewerage fund.**

SECTION 22. The common council of the said city shall have power in addition to other sources of revenue or income applicable thereto, to create and appropriate for the municipal year commencing on the third Tuesday of April, 1872, from the taxes to be levied in the said city in the said year, a sewerage fund for the east sewerage district, not exceeding thirty thousand dollars, and for the west sewerage district, not exceeding twenty thousand dollars, and for the south sewerage district not exceeding twenty thousand dollars.

**May make additions to the ward funds—sums and purposes specified.**

SECTION 23. In addition to the amounts now authorized by law to be raised and collected for ward purposes, the common council shall have power to appropriate and add sums not exceeding the following amounts respectively to the ward funds of the following wards respectively, for the municipal year commencing on the third Tuesday of April, 1872, from the taxes to be levied in the said wards in the said year: to the ward fund of the first ward, three thousand dollars; to the ward fund of the second ward, five thousand dollars, a part of which sum shall be used to defray the expenses of improving and filling the public square and alley in block thirty-six (36) in the second ward of said city; and any rent for the hay scales on that square and other resources from said square, shall be applied towards improving the same; to the ward fund of the third ward, six thousand dollars; to the ward fund of the fourth ward, five thousand dollars; to the ward fund of the fifth ward, six thousand dollars; to the ward fund of the sixth ward, six thousand and five hundred dollars, to be used in the improvement of Walnut street; to the ward fund of the seventh ward, the sum of six thousand and five hundred dollars, and to the ward fund of the eighth ward, the sum of two thousand dollars.

May include the sums mentioned in the general levy.

SECTION 24. The common council of the said city, at the next annual levy of taxes therein, in the year 1872, shall have power to include in the several sums mentioned and provided for in the 21st section of this act, upon the taxable property of the said city, and the several sums mentioned and provided for in the 22d section of this act, on the taxable property of the several sewerage districts in the said city respectively, and the several sums mentioned and provided for in the 23d section of this act, upon the taxable property of the several wards therein mentioned respectively.

How docking chargeable.

SECTION 25. All docking done in front of city property and opposite streets abutting on any navigable river therein, shall be chargeable only to the fund provided for dredging and docking.

May appropriate for certain paving and grading.

SECTION 26. The common council of the said city is hereby authorized from and out of the general city fund, for the municipal year beginning on the third Tuesday of April, 1872, to appropriate and pay the following sums: to Stephen A. Harrison for paving done in front of the old city hall, in the year 1870, the sum of one thousand four hundred and seventy-two dollars and eighty-two cents; to Peter Bradley for grading in front of the old city hall in the year 1870, one hundred and thirty-three dollars and seventy-three cents; to Harrison Ludington for extra services and disbursements, one thousand dollars.

May levy to refund certain moneys advanced.

SECTION 27. The common council of the city of Milwaukee shall be authorized, at their option, either to levy with the other taxes to be levied for the year 1872, an amount not exceeding thirty-five hundred and thirty-one dollars, for the purpose of refunding certain sums of money advanced for purchasing the ground or compensating for the land donated for a street at the foot of Pleasant street now used as an approach to Pleasant street bridge; or to order a valuation of the property so taken, as it was previous to the letting of the contract for the building of Pleasant street bridge, and the assessing of benefits and damages, as in the case of a new street being laid out, and to apply the proceeds of the special taxes so to be assessed for the purpose of refunding the said sums of money, or a proportionate part thereof, and doing, as far as practicable, justice to all parties concerned.

Appropriation of the ward funds—the sums and purposes specified.

SECTION 28. The common council of the said city is hereby authorized to appropriate and pay the following sums respectively, out of the ward funds for the municipal year commencing on the third Tuesday of April, 1872, of the following wards respectively: Out of the first ward fund, to George P. Sherman, for concrete crosswalks, laid in the year 1871, in the said first ward, the sum of thirty-seven dollars and seventy-five cents; and to William Caspar, for repairs of street in the said first ward, in the year 1871, the sum of two hundred and eighty-five dollars; out of third ward fund, to Bremer and Morawetz, the sum of one hundred and twenty-eight dollars, for royalty paid by them in 1870, for the Nicolson pavement on the crossing of Broadway and Huron street, in the said third ward; out of the fourth ward fund, to Edward D. Holton, a sum not exceeding two hundred dollars; and to Benjamin Bagnal, a sum not exceeding three hundred and twenty dollars and eighty cents, for work by them respectively done on street crossings in the said fourth ward, in the year 1870, and to James Kneeland, a sum not exceeding eight hundred and twenty-five dollars for the construction of a wooden sewer from Hill street to the canal, and for work done on the crossing of Tenth and Sycamore streets in the said fourth ward, in the year 1870; out of the fifth ward fund, to Edward D. Holton, a sum not exceeding two hundred dollars for work done on the street crossings in the said fifth ward in the year 1870, and to Henry Weide, a sum not exceeding three thousand and five hundred dollars out of the special ward fund, for repairing the market square, in block number eighteen (18) in the said ward, for work chargeable to that fund; out of the seventh ward fund, the sum of nine hundred and forty-three dollars and fifty cents for concrete laid on the crossing of Martin and East Water streets in 1871; to George P. Sherman for concrete pavement laid in 1871, at the crossing of Division and Jefferson streets, the sum of thirty-seven dollars and fifty cents; to DeGolyer and McClellan, for paving crossings in the said seventh ward in 1871, the sum of two thousand three hundred and thirty-two dollars and fifty cents, and also out of the proper fund for paving public square in front of the old city hall in the year 1871, the sum of three thousand two hundred and seventy-eight dollars and seventy cents: *pro-*

*vided, however*, that the said payments out of the said ward funds shall be made only on the certificate of all the members of the board of public works, and of all the local committees of the proper wards for allowance thereof in the usual manner.

Shall give notice to owners of lots.

SECTION 29. When any improvement or work is ordered, or any action taken by the board of public works of said city, which may charge any lot or parcel of land with benefits, damages or otherwise, it shall be the duty of the said board of public works to give written notice thereof to any resident owner or agent of such lot or parcel of land within said city, whose name shall be recorded as such, in the book to be kept in the office of the city treasurer, known as the "tax notice record," which notice may be served by delivering the same to him personally, or by leaving it at his place of residence, registered in said record.

Amended.

SECTION 30. Section twelve of chapter three hundred and sixty of the private and local laws of 1871, entitled an act in relation to the board of public works in the city of Milwaukee, approved March 20, 1871, is hereby amended by adding to said section the following proviso: *provided*, that in all cases, when the name or names of the resident owner or owners, or of the resident agent or agents of such owner or owners of any such lots or parcels of land shall have been registered in the book to be kept in the office of the city treasurer, and known as the "tax notice record," it shall be the duty of said board of public works, first to cause written or printed notice, stating the repairs necessary, and requiring such repairs to be made within ten days after the service of such notice, to be given to such resident owner or resident agent, which notice may be served upon such owner or agent personally, or by leaving the same at his place of residence recorded in said book; and in all cases, when any such lots, parts of lots or parcels of land have any building or buildings thereon, actually occupied, the like notice shall be also given to such occupants by leaving the same at each of such occupied buildings; and only in case such repairs are not made within the said time by such owners, agents or occupants, shall the said board of public works have power, in such cases, to proceed as provided in the said section hereby amended.

How notice for repairs to be given.

SECTION 31. If, in the judgment of the common council of said city, to be declared by resolution or ordinance, it would be impracticable to make a contract payable in whole or in part in special assessments in the usual manner, to grade any part of a street or streets in said city, and to construct the sidewalks and pave the gutters thereof, the said common council shall have power to authorize the board of public works to make a contract therefor to be paid in city orders, payable out of the fund of the ward in which such part of a street or streets may be situated, and to direct that the certificates of special assessments against lots, parts of lots and parcels of land, liable for such work, shall be endorsed by the contractor or contractors who shall do such work, and delivered to the treasurer of said city, to be held for the benefit of such ward, and the proceeds thereof to be added to the fund of such ward.

**If not practicable to make special assessments, contracts payable out of ward fund may be made.**

SECTION 32. The time for the commissioners of public works in the city of Milwaukee to make and return their assessment of damages and benefits in laying out and extending Racine street in the first ward of said city of Milwaukee is hereby extended to the first day of November in the year eighteen hundred and seventy-two, and such assessments made and returned at or before the time above mentioned shall be legal and valid. The common council of the city of Milwaukee at the time of levying the general taxes in said city for the year eighteen hundred and seventy-two may levy and include in the tax roll any benefit assessment, or any balance of any benefit assessment, returned by the commissioners of public works, for the laying out and extending of Racine street, such special taxes to be collected in the same manner that other taxes are collected by law in said city. The payment of the damages to any person as assessed by the commissioners of public works for the laying out and extension of Racine street above mentioned, may be made at or before the first day of November, in the year eighteen hundred and seventy-three, and in case the lawful owners of any lands taken for the extension of such street are not known to the officer whose duty it is to make such payment, he may make deposit of the money as now provided by law in such cases, on or before the first day of November, eighteen hundred and seventy-three, and the payment of such money, or the tender

**Time for return of assessment extended.**

**May include benefit assessment in general tax.**

**Payment of damages.**

or deposit of the same on or before the first day of November, A. D. 1873, shall be deemed legal.

Repealed.

SECTION 33. Section 3 of chapter 421 of the private and local laws of 1871, entitled "an act to amend an act entitled an act to consolidate and amend the act to incorporate the city of Milwaukee and the several acts amendatory thereof, approved February 20, 1852," and all laws conflicting with the provisions of this act are hereby repealed.

SECTION 34. This act shall take effect and be in force from and after its passage and publication.

Approved March 23, 1872.

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## CHAPTER 103.

[*Published April* 8, 1872.]

AN ACT to detach the county of Barron from the county of Dunn, for judicial purposes.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Detached for judcial purposes.

SECTION 1. From and after the first day of January, 1874, the county of Barron shall be detached from the county of Dunn, for judicial purposes, and from and after the said first day of January, 1874, shall constitute a part of the eighth judicial circuit, and a term of the circuit court of said judicial circuit shall be held in and for said county of Barron on the second Monday of June and the second Monday of December in each year.

Election of clerk of circuit court.

SECTION 2. There shall be elected in said county of Barron, on the first Tuesday of November, in the year one thousand eight hundred and seventy-three, by the qualified electors of said county, at the general election, a clerk of the circuit court for said county of Barron, who shall qualify and enter upon the duties of said office within ten days after said first day of January, 1874, and shall hold his office until his successor is elected and qualified.

Shall be prosecuted in Barron county

SECTION 3. All suits and proceedings that shall be pending in the circuit court of Dunn county, and

which originate in or belong to the county of Barron shall thereafter be prosecuted and carried on in Barron county, in the same manner and with like effect as if they had been originally commenced in Barron county.

SECTION 4. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

Approved March 23, 1872.

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## CHAPTER 104.

[*Published April* 3, 1872.]

AN ACT to amend chapter 105 of the general laws of 1868, entitled "an act to accept the grant of land made to the state of Wisconsin by congress to aid in the construction of the Sturgeon Bay and Lake Michigan ship canal and harbor in the county of Door, to connect the waters of Green Bay with Lake Michigan, and to provide for the construction of the same," approved March 5, 1868.

WHEREAS, The Sturgeon Bay and Lake Michigan Ship Canal and Harbor Company, a corporation heretofore created and organized under and by virtue of the laws of this state, as required by section 3 of chapter 105 of the laws of Wisconsin of 1868, have appointed an engineer, and have surveyed and laid out and established the route and line of their proposed ship canal, and have made a map and diagram thereof, which has been approved by the governor, and have filed the same in the office of the secretary of state, and are now prepared to proceed promptly with the work of construction of said ship canal; and Preamble.

WHEREAS, Certain parties have heretofore trespassed upon, and cut and removed timber from the lands granted by congress to the state of Wisconsin to aid in the construction of the said Sturgeon Bay and Lake Michigan ship canal and harbor; and

WHEREAS, The commissioners of school and university lands have collected from such trespassers certain sums of money which are now in the treasury of the state of Wisconsin, and said commissioners may hereafter collect further sums of money from tres-

passes committed or that may be committed on said lands, or from sales of burned or fallen timber, or other timber cut upon or removed therefrom; therefore,

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

**Shall issue warrant on certificate of chief engineer.**

SECTION 1. That as the work on the said Sturgeon Bay and Lake Michigan ship canal and harbor shall progress and be carried on by or under contract with the said Sturgeon Bay and Lake Michigan Ship Canal and Harbor Company, the secretary of state shall, upon the receipt of the monthly estimates of the chief engineer of said company, to be duly certified by said engineer and declared by him under oath to be the correct amount of work done and performed within the month mentioned in said engineer's certificate, or of material purchased or provided in connection with the construction of said canal, and not before presented or otherwise paid for, issue his warrant to the state treasurer for the payment thereof, and the state treasurer shall pay out of the funds set apart and belonging to said canal company to the treasurer of said Sturgeon Bay and Lake Michigan Ship Canal and Harbor Company the amount so certified by said engineer to have been done and performed: *provided*, that the said monthly estimate of said engineer shall also be declared to be correct by the president and secretary of the said Sturgeon Bay and Lake Michigan Ship Canal and Harbor Company, and the said certificate so made and sworn to and the amount thereof receipted for thereon by the treasurer of said company, shall be the proper voucher of the officer paying the same.

**May act as timber clerks, and their powers as such.**

SECTION 2. The president of the said Sturgeon Bay and Lake Michigan Ship Canal and Harbor Company is hereby authorized and empowered to act as one of the timber clerks as provided for in chapter 92 of the general laws of 1870, and chapter 165 of the general laws of 1871, and with full power and authority either in person or with the aid of agents or assistants, duly authorized by him to make seizures of logs and timber burned or fallen or cut as aforesaid, and to prosecute trespassers as provided in said chapters 92 and 165 aforesaid, and to settle with trespassers

for the same, and to prosecute and settle for all trespasses heretofore at any time committed on said lands, and to sell timber burned or fallen, or cut and removed, and also other timber cut by trespassers at public or private sale, in his discretion, for such price or prices as the said president shall deem prudent, and for the best interests of the company in the construction of said canal, and to receive the considerations paid or agreed to be paid therefor: *provided*, that when any such trespasser shall have made and carried out a compromise for any such trespass with the said commissioners, and shall exhibit a receipt or other sufficient evidence of such compromise, the logs or timber thus already paid for shall not be again seized; *and provided, further*, that such president shall give a bond in the penal sum of ten thousand dollars, with surety to the satisfaction of the said commissioners for the performance of the duties hereinafter prescribed; *and provided, further*, that the said president shall keep or cause to be kept a strict account of all moneys so received by him from trespassers, or from sales of timber, burned, fallen or cut, or cut and removed from said lands and sold by him, and shall quarterly, on the last days of March, June, September and December in each year, (until the construction of said ship canal shall be completed) as provided in said aforementioned chapters of the laws of Wisconsin, present to said commissioners a full and accurate account of all such seizures, sales and receipts made or received in said preceding quarter, and shall at the same time pay over to the state treasurer the amounts so received by him for the said quarter, less the actual costs and expenses attending the sale and collection of the same; *and provided, further*, that the costs and expenses aforesaid shall not be paid until vouchers and bills for the same shall have been filed with the secretary of state and audited and allowed by him. Said quarterly accounts to be so rendered shall be verified as correct by the president of said company, and the proceeds so received by the state treasurer from time to time, shall be paid over to the treasurer of said company in the manner hereinbefore provided in regard to other moneys received into the state treasury belonging to said company.

**Logs not to be seized when compromise is made.**

**Shall give bond**

**Shall keep strict account.**

**Vouchers to be filed and verified before payment made.**

Dimensions of canal.

SECTION 3. The dimensions of said ship canal so to be constructed by said company, shall be at least one hundred feet in width at the water surface, with the sides of the ordinary slope of one and a half to one, and shall be at least thirteen feet in depth at the bottom of said canal.

SECTION 4. This act shall be published and take effect immediately.

Approved March 23, 1872.

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## CHAPTER 105.

[*Published April* 8, 1872.]

AN ACT to authorize the city council of the city of Racine to raise the sum of eight thousand dollars in aid of the fire department of said city, and for school purposes.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

May levy tax.

SECTION 1. The city council of the city of Racine are hereby authorized to levy (in addition to the amount now authorized by law) a tax of three thousand dollars on all the taxable property in said city, to be levied and collected with the annual city, county and state taxes for the year 1872, in aid of the fire department of said city.

May issue bonds for school house.

SECTION 2. The city council of the city of Racine are hereby authorized and empowered to issue bonds to the amount of five thousand dollars for the purpose of building a brick addition to the brick school house in the fourth ward of said city. Said bonds not to run for a longer time than ten years, and not to draw a greater rate of interest than ten per cent, per annum, said bonds to be signed by the mayor of said city and countersigned by the clerk thereof.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved March 23, 1872.

## CHAPTER 106.

[*Published April 6, 1872.*]

AN ACT to amend section one of chapter two hundred and four of the private and local laws of 1866, "an act to create a union school district in the village of De Soto, Wisconsin."

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Amend section one of chapter two hundred and four of the private and local laws of 1866, by detaching the northeast quarter of the southeast quarter of section number three, in township number eleven north, of range number seven west, within the territory of De Soto union school district, and attach the same to school district number nine, in the town of Wheatland and county of Vernon. Amended.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 25, 1872.

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## CHAPTER 107.

AN ACT to confirm the title to a certain tract of land therein named.

WHEREAS, on the 18th day of September, 1867, the trustees of the Methodist Episcopal Church of Sun Prairie conveyed to Chandler Pierce, a certain tract of land, described in said conveyance as part of the northeast quarter of the southeast quarter of section number five (5), township number eight (8) north, of range eleven (11) east, containing one acre of land which said tract of land is within the corporate limits of the village of Sun Prairie, which village was incorporated and the plat thereof made and recorded subsequent to the date of the conveyance aforesaid, and which said land is described in the recorded plat of said village of Sun Prairie as lot three (3), block three (8), and Preamble.

WHEREAS, the land aforesaid was held by the trustees aforesaid in trust, and being so held, it was the duty of said trustees, prior to the sale of said land, to apply to the circuit court, or to the judge of the judicial circuit in which said land was situated, for leave to sell the same, as provided by chapter 66 of the revised statutes, as amended by chapter 37 of the laws of 1861, which duty the said trustees neglected to perform. Now, therefore, for the purpose of quieting and perfecting the title of the said Chandler Pierce to the land aforesaid, now described as lot three (3), block three (3), as aforesaid,

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Title confirmed.

SECTION 1. The title of Chandler Pierce to lot three (3), block three (3), in the village of Sun Prairie, Dane county, Wisconsin, is hereby confirmed and declared to be as valid to all intents and purposes, as if the trustees of the Methodist Episcopal church had, prior to the sale of said lot, applied to the circuit court, or to the judge of the judicial circuit, and obtained an order to sell the same, as provided by chapter 66 of the revised statutes, as amended by chapter 37 of the general laws of 1861.

SECTION 2. This act shall take effect and be in force from and after the passage and publication thereof.

Approved March 23, 1872.

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## CHAPTER 108.

[*Published March* 29, 1872.]

AN ACT to revise the charter of the city of Chippewa Falls.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

### CHAPTER 1.

THE CITY OF CHIPPEWA FALLS—ITS CORPORATE POWERS.

Name and corporate powers.

SECTION 1. All that district of country in the county of Chippewa hereinafter described shall be a

city by the name of Chippewa Falls, and the people now inhabiting, and those who shall inhabit said district shall be a municipal corporation by the name of the city of Chippewa Falls, and shall have the general powers possessed by municipal corporations at common law, and in addition thereto shall have and possess the powers hereinafter specifically granted, and the authorities thereof shall have perpetual succession, and shall be capable of contracting and being contracted with, suing and being sued, pleading and [being] impleaded in all courts of law and equity, and shall have a common seal, and may change and alter the same at pleasure.

## CHAPTER II.

### CITY AND WARD BOUNDARIES.

City boundaries

SECTION 1. The south half of section number thirty-one (31) and southwest quarter of section number thirty-two (32), of township number twenty-nine (29), range number eight (8); also east half of section number one (1) and all of lots numbered one (1) and two (2), of section number twelve (12), in township number twenty-eight (28), range number nine (9); all of section number six (6); also lot number four (4), in section number seven (7), and lots number five (5) and six (6), and west half of northwest quarter and northeast quarter of northwest quarter of section number five (5), all in township number twenty-eight (28), range number eight (8) west, shall be included in and constitute the limits of the city of Chippewa Falls.

Division into wards.

SECTION 2. The city shall be divided into two (2) wards, called first and second wards, limited and bounded as follows: All that portion of said city lying north and east of a line drawn through the center of Bridge street, lengthwise, shall constitute the first ward; and all that portion of said city lying south and west of a line drawn through the center of Bridge street, lengthwise, shall constitute the second ward.

## CHAPTER III.

### ELECTIONS.

Annual elections.

SECTION 1. The annual election for ward and city officers shall be held on the first Tuesday of April of

each year, at such place in each ward as the common council shall designate; and the polls shall be kept open from nine o'clock in the forenoon till sundown, and ten days' previous notice shall be given by the common council of the time and place of holding such elections, and of the city and ward officers to be elected.

Elective officers

SECTION 2. The elective officers of said city shall be a mayor, a treasurer, a police justice for the city at large, three aldermen, one justice of the peace, and one constable for each ward, and one assessor for each ward. The mayor, treasurer and police justice shall be qualified voters, and residents of said city, and the ward officers shall be qualified voters, and residents of their respective wards for which they were elected. All other officers necessary for the proper management of the affairs of said city shall be appointed by the common council. All elective officers except justices of the peace shall, unless otherwise provided, hold their respective offices for one year and until their successors are elected and qualified: *provided, however*, the common council shall have power, for due cause, to expel any of their own number, and to remove from office any officer or agent under the city government, due notice being first given to the officer complained of. The justices of the peace shall hold their offices for two years, and until their successors are elected and qualified. The mayor shall have power to suspend any police officer or watchman appointed by the council, when complained of, until the council shall take up his case and dispose of it. He shall also have power to fill any vacancy thus created for the time being.

Appointive officers.

Power of removal.

Term of justices.

Certain powers of the mayor.

Vacancies—how filled.

SECTION 3. Whenever a vacancy shall occur in the office of mayor, treasurer, police justice, alderman or justice of the peace, such vacancy shall be filled by a new election, which shall be ordered by the common council within ten days after such vacancy shall occur. Any vacancy happening in any other office shall be filled by the common council. The person elected or appointed to fill any vacancy shall hold his office and discharge the duties thereof for the unexpired term, and with the same rights and subject to the same liabilities as the person whose office he may be elected or appointed to fill.

SECTION 4. All elections by the people shall be by ballot, and a plurality of votes shall constitute an election. When two or more candidates for an elective office shall receive an equal number of votes for the same office, the election shall be determined by the casting of lots in the presence of the common council, at such time and in such manner as they shall direct. Plurality elects. How tie vote decided.

SECTION 5. All persons entitled to vote for county or state officers, and who shall have resided in the city for thirty days previously to the election, and for ten days within the ward where they offer to vote, shall be entitled to vote for any officer entitled to be elected under this law, and to hold any office hereby created. Qualification of voters.

SECTION 6. The election in said city shall be held and conducted by the aldermen of each ward, who shall be the inspectors of elections in their respective wards, and shall take the usual oaths or affirmations as prescribed by the general laws of this state to be taken by the judges and inspectors of elections, and shall have the power to appoint clerks of such elections, and to administer the necessary oaths; and in case of the absence of any or all of the aldermen of the ward at the time for opening the polls, the voters present shall select some person or persons to act in their places as inspectors of election. Said elections shall be held and conducted in the same manner and under the same penalties, and vacancies in the board of inspectors thereof filled, as required by the laws of this state regarding elections. Inspectors of election to take oath, etc. How election conducted.

SECTION 7. If either of the inspectors shall suspect that any person offering a vote does not possess the qualifications of an elector, or if such vote be challenged by an elector, the inspectors before receiving the vote of any such person shall require him to take the following oath: "You do solemnly swear (or affirm, as the case may be,) that you are twenty-one years of age, and that you are a citizen of the United States (or have declared your intention to become a citizen conformably to the laws of the United States on the subject of naturalization;) that you have resided within the state of Wisconsin one year, (within this city six months, and within this ward ten days next preceding this election,) and that you have not voted at this election and that you have made no bet or wager, or become directly or indirectly interested in any bet or wager depend- Challenge of votes. Form of oath.

Penalty for illegal voting.

ing on the result of this election;" and if the person offering to vote shall take such oath, his vote shall be received, and if such person shall take such oath falsely, he shall be deemed guilty of wilful and corrupt perjury, and upon conviction thereof, upon indictment, shall suffer the punishment provided by law for persons guilty of perjury. If any person who is not a qualified voter shall vote at any election or if any person duly qualified shall vote in any other ward than the one in which he resides, or shall vote more than once at any one election, he shall forfeit and pay a sum not exceeding one hundred dollars nor less than twenty-five dollars. It shall be the duty of the inspectors to keep a list of the names of all persons whose votes may be challenged as aforesaid, and who shall swear in their votes; and if any inspector shall knowingly and corruptly receive the vote of any person not authorized to vote, or shall make out false returns of an election, or if any clerk shall not write down the name of every voter as he votes, or shall wilfully make untrue and incorrect counts and tallies of votes, each and every inspector and clerk shall be liable to indictment, and on conviction thereof shall severally forfeit and pay a sum not exceeding five hundred dollars nor less than one hundred dollars. All such indictments shall be tried in the circuit court of the county of Chippewa.

Shall keep list of challenged voters, and penalty for false returns.

Return of the inspectors.

SECTION 8. When an election shall be closed, and the number of votes for each candidate or person voted for shall be counted and ascertained, the said inspectors shall make a return thereof, stating therein the number of votes for each person for each and every office, and shall deliver or cause to be delivered, such return to the city clerk within three days after any election. The common council shall on the fourth day after such election, meet and canvass said returns and declare the result as it appears from the same, and the city clerk shall forthwith give notice to each person elected of his respective election.

Canvass of votes.

Special elections.

SECTION 9. Special elections to fill vacancies or for any other purpose shall be held and conducted by the aldermen of each ward, in the same manner, and the returns thereof shall be made in the same form and manner as general or annual elections, and within such time as may be prescribed by ordinance.

SECTION 10. Any officer removing from the city, or any ward officer removing from the ward for which he is elected, or any officer who shall neglect or refuse for ten days after notice of his election or appointment to enter upon the discharge of the duties of his office, shall be deemed to have vacated his office, and the common council shall proceed to fill such vacancy as herein provided. When office deemed vacated

SECTION 11. There shall be elected at the first election under this act, one alderman for each ward, who shall hold their offices for three years, and thereafter at each annual election, one alderman from each ward, who shall hold their offices for three years: *provided*, that the aldermen now elected for two years shall hold their offices until the time for which they were respectively elected shall expire. First election of aldermen.

SECTION 12. The mayor, aldermen, treasurer, justices, constable, members of the county board of supervisors from each ward, and assessor, elected on the fourth day of January, A. D. 1871, and the alderman whose term of office would expire on the first Monday of February, 1872, shall hold their offices until the second Tuesday in April, 1872; and the aldermen whose terms of office would expire on the first Monday of February, 1873, shall hold their offices until the second Tuesday in April, 1873; and the aldermen whose terms of office would expire on the first Monday of February, 1874, shall hold their offices until the second Tuesday in April, 1874, or until their successors are elected and qualified. Their terms of office.

SECTION 13. The votes for aldermen and all other elective officers shall be on one ballot, and shall be deposited in one ballot box. Votes to be on one ballot.

SECTION 14. Should there be a failure by the people to elect any officer herein required to be elected, on the day designated, the common council may order a new election to be held, ten days' notice of the time and place of holding the election first being given. On failure to elect, new election may be held.

SECTION 15. The first election of officers under the provisions of this act shall be held on the first Tuesday of April, A. D. 1872: *provided*, that any officer heretofore elected for a longer term than one year, and whose term of office shall not have expired, shall retain his office for the full time for which he was elected. Day of first election.

## CHAPTER IV.

### OFFICERS—THEIR POWERS AND DUTIES.

Shall take oath of office.

SECTION 1. Every person elected or appointed to any office under the provisions of this act, except justices of the peace, shall, before he enters upon the duties of his office, take and subscribe an oath of office, and file the same, duly certified by the officer taking the same, with the clerk of the city; and the treasurer, clerk, marshal, constables and such other officers as the common council may direct shall severally, before they enter upon the duties of their respective offices, execute to the city of Chippewa Falls a bond with at least two sureties, who shall swear that they are worth in the aggregate the penalty specified in said bond over and above all debts, exemptions and liabilities, and said bonds shall contain such penal sum and such conditions as the common council may deem proper, and they may, from time to time, require new additional bonds, and remove from office any officer refusing or neglecting to give the same.

Shall execute official bond.

The mayor—his powers and duties.

SECTION 2. The mayor shall, when present, preside over the meetings of the common council, and take care that the laws of the state and the ordinances of the city are duly observed and enforced, and that all other executive officers of the city discharge their respective duties. He shall from time to time, give the common council such information, and recommend such measures as he may deem advantageous to the city. The mayor shall be chief executive officer and head of the police of the city, and in case of riot or other disturbance or apparent necessity, he may appoint as many special or temporary constables as he may deem necessary. The mayor shall have a vote only in case of tie. The mayor shall have power to veto any ordinance or resolution passed by the common council, by notifying the common council of his objections thereto, at any time within seven days after the passage of such ordinance or resolution. In case of no session of the council on any day after the passage of the same, and before the expiration of the said seven days, such notification shall be made by filing with the clerk a copy of his objections; and in case the council shall not, within one week after the receipt of

such objections or such filing with the clerk, re-enact such ordinance or pass such resolution by the votes of two thirds of the aldermen elect, the same shall be null and void. No ordinance or resolution shall take effect until one week after the passage of the same, unless sooner approved in writing by the mayor or acting mayor for the time being.

Council shall elect a president—his duties

SECTION 3. At the first meeting of the common council in each year, they shall proceed to elect by ballot one of their number president, and in the absence of the mayor, the said president shall preside over the meetings of the common council; and during the absence of the mayor from the city or his inability for any reason to discharge the duties of his office, the said president shall exercise all the powers and discharge all the duties of the mayor, except the signing of city bonds. In case the mayor and the president shall be absent at any meeting of the common council, they shall proceed to elect a temporary presiding officer, who for the time being shall discharge all the duties of the mayor. The president or temporary presiding officer, while presiding over the board or performing the duties of the mayor, shall be styled acting mayor, and acts performed by them or any of them shall have the same force and validity as if performed by the mayor, excepting the signing of the city bonds; and the said common council shall also at their first meeting in each year, elect a clerk, assessor, street commissioner and a marshal for the city, who shall hold their respective offices for the term of one year, and until others are elected and qualified.

Shall elect other officers.

The clerk—his duties and compensation.

SECTION 4. The clerk shall keep the corporate seal and all the papers and records of the city, and keep a record of the proceedings of the common council, at whose meetings it shall be his duty to attend; and copies of all papers filed in his office, and transcripts from the records of the common council, certified by him to have been compared by him with the original, and to be a correct transcript therefrom, under the corporate seal, shall be evidence in all courts in like manner as if the original were produced. He shall draw and countersign all orders on the treasury, in pursuance of any order or resolution of the common council, and keep a full and accurate account thereof in books provided for that purpose. He shall file in his office all

chattel mortgages presented to him for that purpose, and the removals [renewals] thereof, and safely keep the same, receiving therefor the same compensation as clerks of towns, and all chattel mortgages so filed, and the renewals thereof shall be as valid and legal as if the same had been filed in the town clerk's office in any town. The clerk shall have power and authority to administer oaths or affirmations.

Justices of the peace—their jurisdiction.

SECTION 5. The justices of the peace elected under this act shall have the same jurisdiction, and perform all the duties of the justice of the peace, and shall qualify in the same manner as provided by the general laws of this state, except that the official bond or agreements shall be approved by a majority of the common council; and in addition thereto they shall have jurisdiction in all cases arising under this act, and the ordinances, resolutions and by-laws passed by said city council, unless therein otherwise provided, and shall hold their offices in their respective wards for which they were elected. All constables elected by virtue of this act shall have and exercise the same powers and duties, and be subject to the same liabilities as constables of towns.

Powers and duties of constables.

The treasurer—his powers and duties.

SECTION 6. The treasurer of said city shall perform such duties and exercise such powers as may be lawfully required of him by the ordinances of said city or the laws of this state. All moneys raised, received, recovered or collected by means of any tax, license, penalty or fine, forfeiture or otherwise under the authority of this act, or which may belong to the said city, shall be paid into the city treasury and shall not be drawn therefrom except by an order issued by order of the common council and signed by the mayor, and countersigned or attested by the clerk. He shall keep an accurate account of all moneys or other things coming into his hands as treasurer in a book to be provided for that purpose, which shall remain the property of the city, wherein he shall note the time when and the person from whom the amount of the several sums was received, which books shall at all reasonable times be open to the inspection of any person. He shall, every three months and as often as the common council may require, render to such council a minute account of the receipts and expenditures of his office, and at the expiration of his office, he shall hand over to his successor

all moneys, books, papers and property in his possession belonging to said city. The said treasurer shall also be a collector of taxes, and for his services receive the same compensation, except as herein otherwise provided, and he shall have the same power and be subject to the same liabilities, and be governed by the same laws as treasurers of towns: *provided*, that he shall receive no other fees except the compensation hereinafter provided.

The marshal—his powers and duties.

SECTION 7. The marshal shall attend all the meetings of the common council, and shall perform such duties as shall be prescribed by the common council for the preservation of the public peace and collection of license moneys and fines. He shall possess all the powers of constables of towns, and be subject to the same liabilities. It shall be his duty to execute and retain all writs and processes to him directed, and when necessary in criminal cases, or for the violation of any ordinance of said city or law of this state, may pursue and serve the same in any part of the state. It shall be his duty to suppress all riots, disturbances and breaches of the peace, and to remove all obstructions in the streets and alleys in said city, and to abate all nuisances in said city; to apprehend any person in the act of committing any offense against any ordinance of said city or laws of this state, and within reasonable time bring such persons before competent authority for examination; and for such services he shall receive such fees as are allowed to constables for like services. He shall have power to appoint one or more deputies, to be approved by the city council, but for whose official acts he shall be responsible, and of whom he may require bonds for the faithful discharge of their duties.

The council may require other duties of officers.

SECTION 8. The common council shall have power from time to time to require other and further duties to be performed by any officer whose duties are herein prescribed, and to appoint such other officers as may be necessary to carry into effect the provisions of this act, and to prescribe their duties, and to fix the compensation of all officers, elected or appointed by them. Such compensation shall be fixed by resolution at the the time the office is created, or at the commencement of the year, and shall not be increased or diminishd during the term such officer shall remain in office, or for which he was elected or appointed.

Shall designate official papers.

SECTION 9. The common council at their first meeting in each year, or as soon thereafter as may be, shall designate one or more newspapers printed in said city, in which shall be published all ordinances and other proceedings and matters required by this act, or by the by-laws or ordinances of the common council, to be published in a public newspaper, which printing or publishing shall be let by contract to the lowest bidder or bidders.

Affidavit of publication to be filed.

SECTION 10. The city printer or printers, immediately after the publication of any notice or ordinance or resolution or by-law, which by this act is required to be published, shall file with the clerk of the city a copy of such publication, with his or their affidavit, or the affidavit of their foreman, of the length of time the same has been published, and such affidavit shall be conclusive evidence of the publication of such notice, ordinance, by-law or resolution, and the clerk shall file the same in his office.

Books, papers, etc., to be transferred to successors.

SECTION 11. If any person having been an officer in said city shall not, within ten days after notification and request, deliver to his successor in office all property, books, papers and effects belonging to said city, or pertaining to the office he may have held, he shall forfeit and pay to the use of the city one hundred dollars, besides all damages caused by his neglect or refusal so to deliver, and such successor may recover the possession of such books, papers and effects in the manner prescribed by the laws of this state.

Alderman not to be party to contract.

SECTION 12. No alderman shall be a party to or interested in any job or contract with the city or any of the wards, and any contract in which any alderman may be so interested shall be null and void, and in case any money shall have been paid on any such contract, the common counsel may sue for and recover the amount so paid from the parties to such contract, and the aldermen interested in the same.

Peace officers and their powers.

SECTION 13. The mayor or acting mayor, sheriff of Chippewa county, and each and every alderman, police justice, justice of the peace, marshal, under sheriff and deputy sheriff of Chippewa county, constables, policemen and watchmen, shall be officers of the peace, and may command the peace, and suppress in a summary manner all rioting and disorderly behavior within the limits of the city, and for such purpose may command

the assistance of all bystanders, and if need be, of all citizens and military companies; and if any person, bystander, military officer or private citizen, shall refuse to aid in maintaining the peace when so required, every such person shall forfeit and pay a fine of fifty dollars; and in case when the civil power may be required to suppress riots or disorderly behavior, the superior or senior officer present, in the order mentioned in this section, shall direct the proceedings.

**May elect city surveyor—his duties.**

SECTION 14. There may be elected by the common council a city surveyor who shall be a practical surveyor and engineer. He shall keep his office at some convenient place within said city, and the common council shall prescribe his duties and fix the fees and compensation for any services performed by him. All surveys, profiles, plans or estimates made by him for the city or either of the wards shall be the property of said city, and shall be carefully preserved in the office of the surveyor, open to the inspection of parties interested, and the same, together with all books and papers appertaining to said office shall be delivered over by the surveyor at the expiration of his term of office, to his successor or the common council.

**Shall elect street commissioner—his duties.**

SECTION 15. It shall be the duty of the council to elect a street commissioner for the whole city, who shall render his personal service and perform labor in repairing the streets of said city, and to superintend all local improvements throughout the city, under the direction of the common council and committee on streets, and to carry into effect all orders of the common council and the committee on streets in relation thereto, and to perform such other duties as may be herein prescribed to be performed by street commissioner, or ordered by the common council. Said street commissioner shall receive a compensation, to be fixed by the common council, not exceeding three dollars per day for the time actually engaged in the discharge of his duties, and shall keep accurate account of all expenditures incurred in the discharge of his duties, and render quarterly accounts thereof to the common council, or oftener, if required.

**Shall elect assessor—his duties.**

SECTION 16. The council shall elect an assessor on the first Monday of September in each year, or within twenty days thereafter, who shall be a resident freeholder of said city, and who shall perform all the duties

required by law of assessors of property for the purpose of taxation for state, county, city and other purposes; the assessment rolls to embrace the property subject to taxation in each ward separately, and on the completion of such assessment the assessment rolls, with the valuation of such assessor shall be returned as required by law; that the assessor shall hold his office for the term of one year, and in case of vacancy in said office, the common council shall fill such vacancy by the appointment of an assessor for said city, at any regular meeting.

Police justice—his authority, powers and rights—exclusive jurisdiction.

SECTION 17. The police justice shall have and possess all the authority, powers and rights of a justice of the peace in civil proceedings, and shall have sole exclusive jurisdiction to hear all complaints, and conduct all examinations and trials in criminal cases within the city, cognizable before a justice of the peace in which the city is a party; but warrants returnable before said justice may be issued in criminal cases by any other justice in the city, but no fee shall be received therefor by said justice. The said justice shall have exclusive jurisdiction in all cases cognizable before a justice of the peace in which the city is a party, and shall have cognizance and exclusive jurisdiction of all suits, prosecutions or proceedings for the recovery of any fine, forfeiture or penalty under any by-law, ordinance or regulation of the said city of Chippewa Falls or its charter, or for a breach or violation of any such ordinance, by-law and regulation, and in all cases of offenses committed against the same. All prosecutions for assaults, batteries and affrays not indictable, and for a breach or violation of any such by-law, ordinance or regulation, shall be commenced in the name of the city of Chippewa Falls, and the same proceedings shall be had in all civil and criminal suits before said justice, where not otherwise herein directed, as are established and required to be had in civil and criminal actions by the laws of this state before a justice of the peace. In all cases of conviction for assaults, batteries and affrays within the said city, and in all cases of conviction under any ordinance of said city for any breach of the peace, disorderly conduct, keeping houses of ill-fame, or of frequenting the same, and of keeping or maintaining disorderly and ill-governed houses, and said justice shall have power in addition to the fine or pen-

alty imposed, to enter judgment for costs of prosecution against the defendant, and to compel such offenders to give security for their good behavior, and to keep the peace for a period not exceeding six months, and in a sum not exceeding five hundred dollars. The said justice shall have the same power and authority in case of contempt as a court of record: *provided*, that nothing herein contained shall be deemed to divest the circuit judges of their authority as conservators of the peace, nor to affect in any manner the jurisdiction or powers of the circuit courts or supreme court of this state. In case of absence, sickness or other inability of such justice, or for any sufficient reason, the mayor, by warrant may authorize any justice of the peace within said city to perform the duties of said justice for the city, and it shall thereupon be the duty of the mayor to inform the city attorney and police of such substitution, and make report thereof to the common council, and they may confirm or set aside such appointment, or appoint some other justice of the peace; and the justice of the peace so appointed shall for the time being possess all the authority, powers and rights of said police justice. All fines and penalties imposed by the police justice for offenses committed within the city limits, or for violation of any ordinance, by-law or regulation of said city, shall belong to and be a part of the finance of said city.

**Shall report proceedings.**

SECTION 18. The police justice shall, as often as the common council may require, report to the common council all the proceedings instituted before him, in which the city is interested, and shall at the same time account for and pay over to the city treasurer, all fines and penalties collected by him and belonging to said city; and said justice shall be entitled to receive from the county of Chippewa, such fees in similar cases as are allowed to other justices in the county for similar services.

## CHAPTER V.

### THE COMMON COUNCIL ITS GENERAL POWERS AND DUTIES.

**The common council; style of ordinances.**

SECTION 1. The mayor and aldermen shall constitute the common council, and the style of all ordinances shall be "the mayor and common council of the city of

Chippewa Falls do ordain," etc. The common council shall meet at such time and place as they by resolution shall direct. A majority of the aldermen shall constitute a quorum.

First annual meeting.

SECTION 2. The common council shall hold their first annual meeting in each year, on the second Tuesday of April, and thereafter, stated meetings at such times as they shall appoint, and the mayor may call special meetings by notice to each of the members, to be served personally, or left at their several places of abode. The common council shall determine the rules of its own proceedings, and be the judge of the election and qualification of its own members, and have the power to compel the attendance of absent members.

General powers of the council.

SECTION 3. The common council shall have the management and control of the finances except school moneys, and of all the other property in the city, and shall likewise, in addition to the power herein vested in them, have full power and authority to make, enact, ordain, establish, publish, enforce, alter, modify, amend and repeal all such ordinances, rules, resolutions and by-laws for the government and good order of the city, for the suppression of vice, for the prevention of crime and for the benefit of trade, commerce and health thereof, and so enforce as they shall deem expedient, declaring and imposing penalties, and so enforce the same against any person or persons who may violate any of the provisions of such ordinances, rules and by-laws; [and such ordinances, rules and by-laws] are hereby declared to be and have the force of law: *provided*, that they be not repugnant to the constitution and laws of the United States or of this state; and for these purposes shall have authority by ordinance, resolution or by-laws:

To license the sale of liquors.

1st. To license, regulate, suppress and prohibit the exhibitions of common showmen, or shows of any kind, or the exhibition of caravans, circuses or theatrical performances, billiard tables, bowling saloons, nine or ten pin alleys, and to provide for the abatement and removal of all nuisances under the ordinances of said city, the laws of the state, or at common law; and may grant licenses for and regulate groceries, taverns, victualing houses, and all persons vending or dealing in spirituous, vinous or fermented liquors, and may prohibit and suppress the same: *provided*, that the license

for so dealing in or vending spirituous, vinous or fermented liquors shall not be less than one hundred dollars or more than three hundred dollars, and that all such licenses hereafter granted shall run from the first day of May in each year: *provided, however*, that when any such license may be applied for after that date, the same may be granted, to expire on the said first day of May of each year, on the applicant paying pro rata therefor; but no license shall be granted for a longer term or period than one year.

2d. To restrain, prohibit and to suppress all descriptions of gambling and fraudulent devices and practices, and all playing of cards, dice or other games of chance, with or without betting, and to restrain, prohibit and suppress any person or persons from vending, giving away or dealing in spirituous, fermented or vinous liquors, unless duly licensed by the common council, and to license, regulate and suppress hawkers and peddlers. **Restrain gambling, etc.**

3d. To prevent any riots, noise, disturbance or disorderly assemblages, suppress and restrain disorderly houses or groceries, and houses of ill-fame, and to authorize the destruction of all instruments used for the purpose of gaming. No person shall be incapacitated or excused from testifying touching any offense committed against any of the provisions of this act, or any ordinance of the city of Chippewa Falls, by reason of him or her being implicated in any such offense, but the testimony of such witness shall in no case be used against such witness. **Prevent riots, etc.**

4th. To compel the owner or occupant of any grocery, cellar, tallow chandler's shop, soap factory, tannery, stable, barn, privy, sewer or other unwholesome, nauseous house or place, to cleanse, remove or abate the same from time to time, as often as it may be necessary for the health, comfort and convenience of the inhabitants of said city. **Cleansing of nauseous places.**

5th. To direct the location and management of slaughter houses and markets, and to establish rates and license venders of gunpowder, and regulate the storage, keeping and conveying of gunpowder or other combustible materials. **Direct location of slaughter houses.**

6th. To prevent the incumbering of the streets, sidewalks, lanes or alleys with railroad cars, locomotives, engines, carriages, carts, wagons, sleighs, boxes, **Prevent incumbering of streets**

lumber, pine, wood or any other materials or substance whatever.

Horse racing.

7th. To prevent horse-racing, immoderate riding or driving in the streets, and to regulate the places of bathing and swimming in the water within the limits of said city.

Running at large of cattle.

8th. To restrain the running at large of cattle, horses, swine, sheep, poultry and geese, and to authorize the distraining of the same.

Of dogs.

9th. To prevent the running at large of dogs, and to authorize the destruction of the same in a summary manner, when at large contrary to the ordinances.

The deposit of putrid carcasses.

10th. To prevent any person from bringing, depositing or having within said city any putrid carcasses or other unwholesome substance, and to require the removal of the same by any person who shall have upon his premises any such substance, putrid or unsound beef, pork, fish, hides, skins or substance of any kind, and on default, to authorize the removal thereof by some competent officer, at the expense of such person or persons.

Make and establish pounds, etc., and to license hackmen, etc.

11th. To make and establish public pounds, pumps, wells, cisterns and reservoirs, and to provide for the erection of water-works for the supply of water to the inhabitants; to erect lamps, and regulate, license and suppress omnibus driving, hackmen, coachmen, cartmen, draymen, and the charges of hackmen, coachmen, omnibus drivers, cabmen, cartmen, draymen and all others who may pursue like occupation in this city; to provide for lighting the streets, public grounds and buildings with gas or otherwise.

Boards of health

12th. To establish and regulate boards of health, provide hospital and cemetery grounds, regulate the burial of the dead and the return of the bills of mortallity, and exempt burial grounds set apart for public use from taxation.

Weight of bread

13th. To regulate the size and weight of bread, and to provide for the seizure and forfeiture of bread baked contrary thereto.

Driving on sidewalks.

14th. To prevent all persons riding or driving any ox, mule, cattle or other animal on the sidewalks in said city, or in any way doing damage to said sidewalks.

Shooting of firearms.

15th. To prevent the shooting of fire-arms or crackers, and to prevent the exhibition of any fireworks in any situation which may be considered by the council

dangerous to the city or any property therein, or annoying to any citizens thereof.

16th. To restrain drunkenness or obscenity in the streets or public places, and to provide for arresting, removing and punishing any person or persons who may be guilty of same. Drunkenness, etc.

17th. To restrain and regulate runners and solicitors for boats, vessels, stages, public houses or other establishments, and to establish and regulate the police of the city. Runners.

18th. To establish public markets and make rules and regulations for the government of the same; to appoint suitable officers for overseeing and regulating such markets, and to restrain all persons from interrupting or interfering with the due observance of such rules and regulations. Public markets.

19th. To license and regulate butchers' stalls, shops and stands for the sale of game, poultry, butchers' meat, butter, fish and other provisions. Butchers' stalls.

20th. To regulate the place and manner of weighing and selling hay, and measuring and selling fuel and lime, and to appoint suitable persons to superintend and conduct the same, and to appoint fish inspectors, as herein provided, and to appoint a lumber and shingle inspector. Hay, wood, etc.

21st. To compel the owners and occupants of buildings and grounds to remove snow, dirt or rubbish from the sidewalks, streets or alleys opposite thereto, and to compel such owner or occupant to remove from the lot owned or occupied by him all such substances as the board of health shall direct, and in his default to authorize the removal or destruction thereof by some officer of the city, at the expense of such owner or occupant. Removal of obstructions from sidewalks.

22d. To regulate, control and prevent the landing of persons from boats or vessels wherein are contagious or infectious diseases or disorders, and to make such disposition of such persons as to preserve the health of said city. Infectious diseases.

23d. To regulate the time, place and manner of holding public auctions or vendues. Auctions.

24th. To appoint watchmen and prescribe their duties. Watchmen.

25th. To provide by ordinance for a standard of weights and measures, and for punishment of the use of false weights and measurrs. Weights and measures.

Trees and monuments.

26th. To protect trees and monuments in said city.

Sewers.

27th. To prescribe and regulate the construction of sewers within the said city.

Opening of streets.

28th. To lay out, make, open, keep in repair, alter or discontinue any highways, streets, lanes, alleys, and to keep them free from incumbrances, and to protect them from injury.

Change name of street.

29th. To alter or change the name of any street in the city.

Pass ordinances.

30th. To make, ordain, amend and repeal all such ordinances, by-laws and police regulations, not contrary to the constitution of this state, for the good order and government of the city, and which may be necessary or expedient to carry into effect the powers vested in the mayor and common council or any officer of said city by this act, or which may be vested in any officer of said city by any ordinance thereof.

Passage and publication of laws, ordinances, etc.

SECTION 4. All laws, ordinances, regulations and by-laws shall be passed by an affirmative vote of a majority of the common council, and shall be signed by the mayor, and shall, within fifteen days after their passage, respectively, be published in the official paper or papers of said city once before the same shall be in force, and within fifteen days thereafter they shall be recorded by the city clerk in books to be provided for that purpose; but before any of the said laws, ordinances, regulations or by-laws shall be recorded, the publication thereof, respectively, within the said time shall be proved by the affidavit of the foreman or publisher of such newspaper, and said affidavit shall be recorded therewith, and at all times shall be deemed and taken as sufficient evidence of the time and manner of such publication; and such record of such law, ordinance, regulation or by-law, and the proof of such record certified by the clerk, under the seal of the city, or any printed book containing the same purporting to have been published under the sanction of the mayor and council, shall be *prima facie* evidence of the due passage and publication of such law, ordinance, regulation or by-law. No appropriation shall be made without a vote of a majority of the members of the common council in its favor.

Prosecutions for abatement of nuisance.

SECTION 5. The powers conferred upon the said council to provide for the abatement or removal of nuisances shall not bar or hinder suits, prosecutions or pro-

ceedings in the courts according to law. Depots, houses or buildings of any kind wherein more than ten pounds of gunpowder are deposited, stored or kept at any one time, gambling houses, houses of ill fame, disorderly taverns and houses or places where spirituous, vinous or fermented liquors are sold without the license required therefor, within the limits of said city, are hereby declared and shall be deemed public or common nuisances.

Examination and adjustment of accounts.

SECTION 6. The common council shall examine, audit and adjust the accounts of the clerk, treasurer, street commissioner, marshal and all other officers and agents of the city, at such time as they may deem proper, and also at the end of each year, and before the time for which the officers of the said city are elected or appointed shall have expired. And the common council shall require each and every such officer and agent to exhibit his books, funds and moneys, accounts and vouchers, for such examination and settlement; and if any such officer or agent shall refuse to comply with the orders of said council in the discharge of his said duties, in pursuance of this section, or shall neglect or refuse to render his account or present his books, funds, moneys and vouchers to said council, it shall be the duty of the common council to declare the office of such person vacant, and the common council shall order suits and proceedings at law against any officer or agent of said city who may be found delinquent or defaulting in his accounts or in the discharge of his official duties, and shall make a full record of all adjustment and settlement.

Corporate authority.

SECTION 7. The corporate authority of said city shall be vested in one principal officer, styled a mayor, in one board of aldermen, consisting of three members from each ward, who, with the mayor, shall be denominated the common council, together with such other officers as may be created under this act.

## CHAPTER VI.

### FINANCE AND TAXATION.

All city funds to be under control of council.

SECTION 1. All funds in the treasury, except school, state and county funds, shall be under the control of the common council, and shall be drawn out upon the

order of the mayor and clerk, duly authorized by a vote of the common council; and all orders drawn upon the treasurer shall specify the purpose for which they were drawn, and shall be payable out of any funds in the treasury belonging to the city. City orders shall be receivable for all city taxes, except school and special taxes for bridges and school purposes, and except taxes levied for the payment of principal or interest of any outstanding bonds of said city, which shall be collected in money or in orders drawn upon such fund, respectively, and all orders shall be payable to the persons or to the order of the persons in whose favor they may be drawn, or bearer.

Orders receivable for taxes.

Shall levy tax for current expenses.

SECTION 2. The common council of said city shall annually levy upon the taxable property of said city, to defray the current expenses of said city, a tax sufficient to defray expenses.

Restriction of city bonds and orders.

SECTION 3. The common council of said city shall not have power to issue any bonds or other evidences of debt payable at a day subsequent to the date of the issue thereof, except in cases specially authorized by law, nor shall the common council issue in any one year orders upon the city treasury to an amount greater than the amount of taxes which may be levied under the provisions of this act: *provided*, that whenever it shall be necessary to build or repair bridges, a special tax may be levied for such purpose, not exceeding three thousand dollars in any one year, and the said taxes when so levied shall be collected at the same time as other city taxes are collected.

May levy special tax to pay bonds.

SECTION 4. Special taxes may also be levied by the city council at any regular meeting, for the purpose of paying the interest or principal of any outstanding bonds now due or hereafter to become due, issued by the city of Chippewa Falls, or which may hereafter be issued by said city, by authority of law: *provided, however*, no greater tax shall in any one year be levied than shall be necessary to pay the amount which will be due on such bonds at the time such tax shall be collected by virtue of this act, or shall become due before the time appointed by law for assessing and levying the annual taxes; said taxes when so levied shall be collected at the same time other city taxes are collected.

Accounts must be verified.

SECTION 5. No account shall be allowed by the common council, unless the same is verified by the owner thereof, or some person in his behalf.

SECTION 6. When the claim of any person against the city shall be disallowed in whole or in part by the common council, such person may appeal from the decision of such council to the circuit court for the county of Chippewa, by causing a written notice of such appeal to be served on the clerk of said city within thirty days after the making of such decision and executing a bond to said city, with sufficient surety, to approved by said clerk, county judge or court commissioner, conditioned for the faithful prosecution of such appeal, and the payment of all costs that shall be adjudged against the appellant by the court. **Disallowance of accounts may be appealed from.**

SECTION 7. The city clerk, upon such appeal being taken, shall immediately give notice thereof to the mayor and common council, or shall take such measures, as by ordinance or resolution of said common council he may be required to do, and shall make out a brief return of the proceedings in the case before said council, with their decision thereon, and shall file the same, together with the bond and all papers in the case in his possession, with the clerk of the circuit court for the county of Chippewa, and such appeal shall be entered, tried and determined in the same manner as appeals from justices of the peace, and costs shall thereupon be awarded in like manner: *provided, however*, that whenever an appeal is taken from the allowance made by said common council upon any claim, and the recovery upon such appeal shall not exceed the amount allowed by said council, exclusive of interest upon such allowance, the appellant shall pay the cost of appeal, which shall be deducted from the amount of the recovery; and when the amount of costs exceeds the sum recovered, judgment shall be rendered against the appellant for the amount of such excess. **Notice, return and trial of appeal.**

SECTION 8. No action shall hereafter be maintained by any person against the city of Chippewa Falls, upon any claim or demand other than a city bond or order, unless such person shall first have presented his claim to the common council of said city. **No action till claim is presented.**

SECTION 9. The determination of the common council disallowing in whole or in part any claim of any person, shall be final and conclusive, and a perpetual bar to any action in any court founded on such claim, unless an appeal shall be taken from the decision and determination of such common council as here- **Disallowance to be final unless appealed from.**

inbefore provided, or unless such council shall consent and agree to the institution and maintenance of an action by such claimant against the city: *provided however*, that when the common council shall refuse or neglect to act upon any claim duly presented to them, this chapter shall not be so construed as to prevent the institution and maintenance of an action by said claimant against said city.

## CHAPTER VII.

### OPENING OF STREETS AND ALLEYS.

**Streets may be opened on petition to council.**

SECTION 1. The common council shall have power to lay out public squares, grounds, streets and alleys, and to widen the same as follows: Whenever ten or more freeholders residing in any ward shall by petition represent to the common council that it is necessary to take certain lands within the ward where such petitioners may reside for the public use, for the purpose of laying out public squares, grounds, streets or alleys, or the enlarging of the same, the courses and distances, metes and bounds of the lands proposed to be taken, together with the names and residences of the owners of such premises, if the same shall be known to such petitioners, to be set forth in said petition, the common council shall thereupon cause notice of such application to be given to the occupant or occupants of such land, if any there be, or if any portion of said lands shall not be in the actual occupation of any person, then the common council shall cause such notice, describing as near as may be the premises proposed to be taken, to be published in the official paper or papers, four weeks successively, at least once in each week.

**What notic shall state.**

SECTION 2. Such notice shall state that upon a day therein to be named, not less than ten days from the service of such notice or the expiration of such publication, as the case may be, application will be made to the county judge or court commissioner for the county of Chippewa, for the appointment of twelve jurors to view said premises, and to determine whether it will be necessary to take the same for the purposes specified in said petition.

**Shall appoint jurors to view premises.**

SECTION 3. Upon the presentation of such application, and upon proof of the publication or service of

the notice hereinbefore required, the said judge or court commissioner shall thereupon appoint twelve reputable freeholders, residents of said city, but not residents of the ward in which said premises may be, nor interested in the result of such application. The said judge or court commissioner shall thereupon issue his precept, directed to said jurors, requiring them within ten days to view the premises, to be specified in said precept, and to make returns under their hands to the common council, whether, in their judgment, it is necessary to take said premises for the purposes specified in such application; and the said jurors, before entering upon the discharge of their duties, shall take and subscribe an oath, faithfully and impartially to discharge their duties as such jurors in the premises, which oath may be administered by any person authorized to administer oaths, and shall be filed in the office of the city clerk.

Service and return of precept.

SECTION 4. The city marshal shall serve his precept immediately on the jurors therein named, by reading the same to every one that can be found, and immediately after such service, he shall return the said precept to the judge or court commissioner who issued the same, together with his doings thereon.

Shall fill vacancies.

SECTION 5. If any of the jurors so appointed cannot be found, or shall be disqualified from acting, or shall refuse to act, the judge or court commissioner shall appoint others in their places, and a memorandum of such substitution shall be indorsed on the precept.

Shall administer oath.

SECTION 6. The said judge or court commissioner, or any justice of the peace, shall thereupon administer an oath to said jurors, that they are freeholders of said city, and not interested in the premises proposed to be taken, and that they will faithfully and impartially discharge the trust reposed in them.

View of premises and report of jurors.

SECTION 7. The said jurors shall at such time as they shall agree upon, proceed in a body to view the premises in question, and shall hear [such] testimony as may be offered by any party interested, which testimony shall be reduced to writing by one of the jurors, and either of the jurors shall be authorized to administer the necessary oaths to the witness. After viewing the premises in question and hearing such testimony as may be offered, the jurors shall make a report of their

proceedings, which shall be signed by them respectively, and which shall state whether in their judgment it is necessary to take the premises in question for the public use, which said report, testimony and precept shall be returned to the common council within the time limited in said precept. Should the jurors report that it is necessary to take the premises, the common council shall enter an order among their proceedings, confirming said report, and directing the same jurors, within twenty days thereafter, or at such future time as shall be necessary, to again view said premises for the purpose of ascertaining and determining the amount of the damages to be paid to the owner or owners of said property proposed to be taken, and to assess and return within the time limited, such damages to the common council. And after the jurors shall have made their report as to the taking of any lands or premises under this act, and the same shall have been confirmed, the common council shall have power to appoint new jurors in the place of any who shall refuse or neglect to serve in ascertaining the amount of compensation as above; and all the jurors before entering upon the discharge of their duties in the premises, shall severally take an oath before some competent officer, that they are freeholders of said city and are not interested in the premises to be taken, and that they will faithfully and impartially discharge the trust reposed in them.

Disposition of buildings.

SECTION 8 If there should be any building in whole or in part upon the land to be taken, the jurors before proceeding to make their assessment, shall first estimate and determine the value of such building to the owner, aside from the value of the land, and the injury to him in having such building taken from him; and secondly, the value of such building to him to remove.

Notice to be given to owners

SECTION 9. At least ten days' personal notice of such determination shall be given to the owner or his agent, if known, and a resident of the city, or left at his usual place of abode. If not known, or a non-resident, notice to all parties interested shall be given, by publication in the official paper or papers of said city three successive weeks. Such notice shall specify the building and the award of the jurors. It shall require the parties interested to appear by a day therein named, or give notice of their election to the common

council, either to accept the award of the jurors, and allow such building to be taken with the land appropriated, or of their intention to remove such building. He shall have such time for the purpose as the common council may allow.

When building may be sold.

SECTION 10. If the owner shall refuse to take the building at the value to remove, or fail to give notice of his election aforesaid, within the time prescribed, the common council shall have power to direct the sale of such building at public auction for cash, giving ten days' notice of such sale. The proceeds shall be paid to the owner or deposited to his use.

Determination and appraisal of the premises by the jurors.

SECTION 11. The said jurors, within the time limited, shall view and examine the premises proposed to be taken, and all such premises as will, in their judgment, be injured or benefited thereby. After hearing such testimony as may be offered by any party interested, and which shall be reduced to writing by one of said jurors, they shall proceed to make their assessment, and to determine and appraise to the owner or owners the actual value in money of the real estate so proposed to be taken, and the injury arising to them respectively in consequence of the taking thereof, which shall be awarded to such owners, respectively, as damages. In the estimates of the damages to the land, the jurors shall include the value of the building or buildings (if the property of the owner of such land), as estimated by them as aforesaid, less the proceeds of the sale thereof, or if taken by the owner at the value to remove, in such case they shall only include the difference between such value and the whole estimated value of such building or buildings, according to section 8 of this chapter.

Respecting title to premises.

SECTION 12. If the lands or buildings belong to different persons, or if the land [be] subject to lease, judgment or mortgage, or if there be any estate in it less than an estate in fee, the injury done to such persons or interests, respectively, shall be awarded to them by the jurors.

Award to be signed.

SECTION 13. The award of said jurors shall be signed by them and returned, together with the testimony taken and the precept, to the common council, within the time limited in such precept.

May appeal from award.

SECTION 14. Any person whose property is taken or against whom assessment is made, may, within ten

days from the return of the jurors to the common council, appeal from said assessment of damages to the circuit court of Chippewa county, by causing a written notice of such appeal to be served on the clerk of said city, and executing a bond in the manner prescribed in section six of chapter five of this act, and such appeal shall be tried by the court and jury as in ordinary cases. The common council shall also have the right to appeal, by filing with the clerk a notice thereof, within ten days, as aforesaid.

**Damages to be paid before land is taken.**

SECTION 15. The land required to be taken for the purposes mentioned in this act, shall not be appropriated until the damages awarded therefor to the owner thereof, shall be paid or tendered to the owner or his agent, or in case the said owner or agent cannot be found, or is unknown, deposited to his or their credit, in some safe place of deposit; and then, and not before, such lands may be taken and appropriated for the purposes required, and the same shall thereafter be subject to all the laws and ordinances of the city, in the same manner as streets, alleys and public grounds open or laid out.

**When to be paid.**

SECTION 16. The damages assessed shall be paid or tendered, or deposited as herein required, within one year from the confirmation of such assessment and report, and if not so paid, tendered or deposited, all the proceedings in any such case shall be void.

**May pay damages and enter order.**

SECTION 17. The city may pay or tender or deposit as herein required, at any time within one year from the confirmation of such assessment and report, the damages assessed in any such case; and whenever said damages have been so paid, tendered or deposited, it shall be the duty of the common council to enter an order among their proceedings to take and appropriate such lands for the purposes required.

**When land is under lease.**

SECTION 18. When the whole of any lot or tract of land or other premises, under lease or other contract, shall be taken by virtue of this act, all the covenants, contracts or engagements between landlord and tenant or any other contracting parties, touching the same or any part thereof, shall upon the confirmation of such report, respectively cease and be absolutely discharged.

**When only part is under lease.**

SECTION 19. When only part of a lot or tract of land or other premises, so under lease or other contract, shall be taken for any of the purposes aforesaid, all the

covenants, contracts or agreements respecting the same, upon the confirmation of such report, shall be absolutely discharged as to the part thereof taken, but shall remain valid as to the residue thereof; and the rents, considerations and payments reserved, payable and to be paid for in respect to the same, shall be so proportioned so that the part thereof justly and equitably payable for such residue thereof and no more, shall be paid or recoverable for in respect to the same.

In case of infants, or legal disability, may appoint guardian.

SECTION 20. When any known owner of lands or tenements affected by any proceedings under this act shall be an infant, or labor under legal disability, the judge of the circuit court of Chippewa county, or in his absence the judge of any court of record in said county, may, upon the application of the common council, or such party or his next friend, appoint a guardian for such party, and all notices required by this act shall be served upon such guardian.

Shall make survey.

SECTION 21. Whenever any public ground, street or alley shall be laid out, widened or enlarged, under the provisions of this chapter, the common council shall cause an accurate survey and profile thereof to be made and filed in the office of the city clerk.

## CHAPTER VIII.

### ASSESSING, LEVYING AND COLLECTING OF TAXES.

Assessment of property and duties of assessors.

SECTION 1. All property, real or personal, within the city, except such as may be exempt by the laws of this state, shall be subject to taxation for the support of the city government and the payment of its debts and liabilities, and the same shall be assessed in the manner hereinafter provided; and the assessor elected under this act shall have and possess the same powers that are or may be conferred upon township assessors, except so far as they may be altered by this act: *provided however*, that the common council may prescribe the form of assessment rolls, and more fully define the duties of assessors, and make such rules and regulations in relation to revising, altering or adding to such rolls as they may from time to time deem advisable.

Correction of assessment roll

SECTION 2. When the assessment roll shall be completed, the assessor shall give one week's notice thereof in the official paper or papers, and shall fix a time and convenient place where he will hear any objections of

parties deeming themselves aggrieved by such assessment, and after hearing the same, the assessor shall make such alterations or reductions as justice or equity may require: *provided*, the time of hearing such objections shall not be more than one week from the expiration of such notice.

Its equalization

SECTION 3. Within one week after the time limited for the hearing of such objections, the assessor shall return the said assessment roll to the board of equalization of the city. The board of equalization may supply omissions in said roll, and for the purpose of equalizing the same, may alter and add to, take from and otherwise revise and correct the same: *provided, however*, the board of equalization shall not have the power to increase the amount of said roll, except by the value of such real property as may have been omitted by the assessors.

When property has been omitted, it shall be assessed for the whole time.

SECTION 4. If it shall appear to the assessor that any lot or parcel of land was omitted in the assessment roll of either or both of the preceding two years, and that the same was then liable to taxation, he shall, in addition to the assessment for that year, assess upon the lot or tract so omitted, for such year or years that it shall have been so omitted, the just value thereof, noting the year which [when such] omission occurred; and such assessment shall have the same force and effect as it would have if made the year when the same was omitted; and the common council shall direct, in addition to the tax for the current year, such tax to be levied upon such lot or tract as the same would have been chargeable with, had not the same been so omitted, and such tax shall be collected as other taxes or assessments for the current year. All lands shall be subject to taxes that may have been omitted, in whosesoever hands they may have come. Should the tax or assessment upon any parcel of land be set aside or declared void, by reason of any defect or informality in the assessing, levying, selling or conveying of the same, but not affecting the equity and justice of the tax itself, the common council shall cause the tax or assessment so set aside or declared void, to be relevied in such manner as they shall by ordinance direct: *provided*, that if the defect was in the assessment, the same shall be again assessed at such time as the common council shall direct, and the said tax or assessment so assessed

shall be levied and continue a lien upon such lot or tract, and shall be collected as other taxes and assessments are collected under this act.

Board of equalization—how constituted and when meet.

SECTION 5. The mayor, city clerk, city treasurer and the assessor shall constitute the city board of equalization, and shall meet at the office of the city clerk on the first Monday of July, each and every year, at 9 o'clock in the forenoon, and shall proceed in all respects as town boards are by law required to proceed, so far as the same is applicable, reviewing, correcting and equalizing the assessment rolls of the several wards in the city. The mayor shall be president of the board of equalization, and the city clerk the clerk thereof.

Assessment roll to be filed and levy to be made.

SECTION 6. When the assessment roll shall have been revised and corrected, the same shall be filed with the clerk. Thereupon the common council shall by resolution levy such sum or sums of money as may be sufficient for the several purposes for which taxes are herein authorized to be levied, but not exceeding the authorized per centage, particularly specifying the purposes for which the same are levied.

Changes to be recorded.

SECTION 7. All changes of assessment rolls by the board of equalization shall be duly recorded by the city clerk.

Taxes to be lien upon premises.

SECTION 8. All taxes and assessments, general or special, levied under this act, shall be and remain a lien upon the lands and tenements upon which they may be assessed, from the time of the confirmation of such assessment roll, and on all personal property of any person or body politic assessed for personal taxes, from the delivery of the warrant for the collection thereof until such tax shall be paid; and no sale or transfer of such real or personal estate shall affect said lien. Any personal property belonging to the person taxed may be taken and sold for the payment of taxes upon real or personal property.

City clerk to calculate and carry out taxes.

SECTION 9. It shall be the duty of the city clerk, immediately upon the reception of the corrected assessment roll, and a certificate of the amount of state, county and school tax apportioned to said city, to calculate and carry out the total amount of such taxes, together with all the city and other local taxes, adding thereto five per cent. for the expense of collection, in an additional column prepared for that purpose in the assessment roll, setting down opposite the several sums

set down, as the valuation of real and personal property, the respective sums assessed as taxes thereon, in dollars and cents, rejecting the fraction of a cent when less than one-half, otherwise reckoning said fraction as a cent.

Shall make duplicate copy.

SECTION 10. The said city clerk shall immediately make out a duplicate copy of such assessment roll when thus completed, and deliver the same to the treasurer, on or before the second Monday in December in each year.

Shall annex warrant.

SECTION 11. To each assessment roll so delivered, a warrant under the hand of the city clerk and the corporate seal of said city, shall be annexed, substantially in the following form:

Form of warrant.

"THE STATE OF WISCONSIN,

"*To the City Treasurer of the City of Chippewa Falls, in the County of Chippewa:*

"You are hereby commanded to collect from each one of the persons and corporations named in the annexed assessment roll, and of the owners of the real estate described therein, the taxes set down in such roll opposite to their respective names, and to the several parcels of land therein described; and in case any person and corporation upon whom any such tax is imposed shall refuse or neglect to pay the same, you are to levy and collect the same by distress and sale of the goods and chattels of the person or corporation so taxed; and out of the moneys so to be collected, after deducting your fees, you are first to pay the treasurer of said county, on or before the last Monday of January next, the sum of —— for state taxes, and the further sum of —— for county taxes, and the balance of said money you are required to retain, and pay out according to law; and in case said taxes and assessments shall not be paid the fourth Monday in February next, you are required to return the same to the county treasurer of the said county of Chippewa.

"Given under my hand and the corporate seal of the city, this —— day of ——, 18—.

"—— ——, *City Clerk.*"

To be *prima facie* evidence.

SECTION 12. The said assessment roll and warrant thereto attached shall be *prima facie* evidence in all courts, that the lands and persons therein named were

subject to taxation, and that the assessment was just and equal.

SECTION 13. All the general laws of this state which are now or may hereafter be in force relative to the assessment and collection of taxes, shall be in force in said city, except as herein otherwise specially provided, and the city treasurer shall proceed to collect the taxes and all assessments of said city, in the same manner as is required by law of the town treasurers to collect taxes, except as herein provided. General laws to apply.

SECTION 14. Upon the receipt of any tax roll and warrant by the treasurer he shall give public notice in a newspaper published in said city, that such tax list, (describing for what purpose such taxes are levied) has been committed to him for collection, and that he will receive payment for taxes at his office, for the term of thirty days next ensuing the date of said notice. If the taxes are not paid within said time, he shall then proceed to collect the same by distress and sale of the goods and chattels of the persons charged, giving at least six days' notice of the time and place of such sale, by posting up not less than three written notices in as many public places in said city. Treasurer to give notice to tax payers. Shall collect taxes.

SECTION 15. The treasurer shall be entitled to receive and collect as fees for the collection of taxes, two per cent. upon all taxes collected by or paid to him prior to the second Monday of January, in each year, and five per cent. upon all taxes or assessments paid to or collected by him after the said second Monday in January; and in case of a distress and sale made by him of goods and chattels, for the payment of any tax, he shall be entitled to receive such fees as are allowed constables on sales of goods upon execution; the city treasurer shall collect the fees hereinbefore prescribed, and shall keep in a book to be provided for that purpose, a true account and statement of all fees by him received as city treasurer, from any source whatever; and such book shall be open at all reasonable times to the inspection of any person, and the city treasurer shall, when required, make report to the common council, duly certified on oath, of all fees or other moneys received by him as treasurer; and he shall receive no other or further compensation for his services as treasurer, than as hereinbefore provided, except that the common council shall [provide] him all necessary His fees for collection.

books, blanks and stationery requisite to the discharge of his duties.

Shall pay over state tax.

SECTION 16. The treasurer shall, on or before the third Monday of January, in each year, pay to the county treasurer the state tax assessed upon the lots and tracts of land and personal property in said city

Provisions only directory.

SECTION 17. All the directions hereby given for the assessing of lands and the levying and collecting of taxes and assessments shall be deemed only directory, and no error or informality in the proceedings of any of the officers entrusted with the same, not affecting the substantial justice of the tax itself, shall vitiate or in anywise affect the validity of the tax or assessment.

Taxes must be paid before can proceed to set aside assessment or tax deed.

SECTION 18. No person shall be permitted to institute any proceedings to set aside any assessment or special tax hereafter levied or assessed upon any lot or tract, or to set aside or to set up or interpose any objections to the title derived by virtue of any deed executed in consequence of the non-payment of such taxes, and of the sale of the premises therefor, unless such person shall first pay or tender to the proper party, or deposit for his use with the city treasurer, the amount of all state, county and city taxes that remain unpaid upon such lot or tract, together with the interest and charges thereon.

How proceed to enforce collection of tax.

SECTION 19. In case the city treasurer is unable to collect any tax assessed upon any personal property, and payable by any person named in the tax list, he shall proceed in all things according to chapter eighteen of the revised statutes of this state, and the acts amendatory thereto, in bringing such delinquent person before some justice of the peace, and such proceedings shall be had as are provided by said chapter eighteen, and as are prescribed by chapter 198 of the general laws of 1860, and any act that may be hereafter passed amendatory to said acts, or in addition thereto.

## CHAPTER IX.

### FIRE DEPARTMENT.

May prescribe fire limits.

SECTION 1. The common council, for the purpose of guarding against the calamities of fire, shall have the power to prescribe the limits within which wooden buildings, or buildings of other materials that shall not be considered fire-proof, shall not be erected, placed or

repaired, and to direct that all and every building within the limits prescribed shall be made and constructed of fire-proof materials, and to prohibit the repairing or rebuilding of wooden buildings within the fire limits, where the same shall have been damaged to the extent of fifty per cent. of the value thereof, and to prescribe the manner of ascertaining such damage, and to prescribe the penalties for the violation of any resolution or ordinance passed under this section.

Other precautionary measures.

SECTION 2. The common council shall have power to prevent the dangerous construction and condition of chimneys, fire-places, hearths, stoves, stove pipes, ovens, boilers and apparatus used in and about any building, and to cause the [same] to be removed or placed in a safe and secure condition when considered dangerous; to prevent the deposit of ashes in unsafe places; to require the inhabitants to provide as many fire buckets and in such manner and time as they shall prescribe, and to regulate the use of them in time of fire; to regulate and prevent the carrying on of manufactures dangerous in causing or promoting fire; to regulate and prevent the use of fire-works and fire-arms; to compel the owners and occupants of buildings to have scuttles in the roof, and stairs or ladders leading to the same; to authorize the mayor, aldermen, fire wardens and other officers of the city to keep away from the vicinity of the fire all idle and suspected persons, and to compel all bystanders to aid in the extinguishment of fires, and in the preservation of property exposed to danger thereat, and generally to establish such regulations for the prevention and extinguishment of fires as the common council may deem expedient, and to provide penalties for the violation of any resolution or ordinance passed under this section.

May purchase engines and authorize the formation of fire companies.

SECTION 3. The common council shall have full power to purchase fire engines and other fire apparatus, and to authorize the formation of fire engine, hook and ladder and hose companies, and to provide for the due and proper support and regulation of the same, and to order such companies to be disbanded, and their meetings to be prohibited, and their apparatus to be delivered up. Each company shall not exceed seventy able-bodied men, between the ages of eighteen and fifty years, and may elect their own officers, and form their own by-laws, not inconsistent with the laws of this state

before the first Monday of May in each year, return to the city clerk a list containing the name of each member of their respective companies; and when any member of either of said companies shall cease to be a member thereof, by resignation expulsion or otherwise, notice thereof shall be given to the city clerk.

Further requirements of the clerk.

SECTION 11. The city clerk is hereby required to keep a record of the members of the several companies organized under this chapter, and such record shall consist of the returns made by the the several clerks or secretaries, as above provided; and no person shall be exempt from jury duty unless the name is entered on such list. In case any person shall for any cause cease to be a member of either of said companies, the clerk shall note that fact on the list thereof, and shall return to the clerk of the board of supervisors for the county of Chippewa, a list of all persons who are members of either or all of said companies exempt from jury duty, on or before the day now appointed or which may hereafter be appointed for the annual meetings of said board; and said board shall not place the names of such persons on the jury list for the ensuing year.

## CHAPTER X.

### ACTIONS TO RECOVER PENALTIES, ETC.

Actions to recover penalties—how commenced.

SECTION 1. All actions brought to recover any penalty or forfeiture under this act, or the ordinances, by-laws or police or health regulations made in pursuance thereof, shall be brought in the corporate name of the city. It shall be lawful to declare generally in debt for such penalty or forfeiture, stating the chapter and section of this act, or the section of the ordinance, by-law or regulation under which the penalty or forfeiture is claimed, and to give the special matter in evidence under it.

First process to be summons.

SECTION 2. In all prosecutions for any violation of any of the provisions of this act, or any by-law, ordinance or regulation, the first process shall be a summons, unless oath be made for a warrant as in criminal cases before justices of the peace under the general statutes of the state for the time being.

Form of summons.

SECTION 3. When the action is commenced by summons, such summons may be substantially in the following form:

"COUNTY OF CHIPPEWA—*City of Chippewa Falls*—ss.

"THE STATE OF WISCONSIN:

"*To the sheriff or any constable of said county, or to the marshal of the city of Chippewa Falls:*

"You are hereby commanded to summon A. B., if he shall be found within your county, to appear before the undersigned, one of the justices of the peace in and for said city, at my office in said city, on the —— day of ——, 18—, at —— o'clock in the ——noon, to answer to the city of Chippewa Falls in a plea of debt, to the damage of said city, one hundred dollars or under.

"Given under my hand at said city, this —— day of ——, 18—.

"C. D., *Justice of the Peace.*"

How returnable

SECTION 4. Such summons shall be made returnable and be served in the same manner as is now or hereafter may be prescribed by the laws of the state for the commencement of actions before justices of the peace by summons; and all proceedings in the action, except as hereinafter provided, shall be governed by the laws of the state for the time being, relative to actions commenced by summons and triable before justices of the peace.

Form of complaint—with summons.

SECTION 5. When the action is commenced by summons, the complaint may be substantially in the following form:

"THE CITY OF CHIPPEWA FALLS,
against
A. B.

"In Justice's Court, before C. D., Justice.

"The plaintiff complains against the defendant, for that the defendant, on the — day of ——, 18—, at the said city, did violate (section — of chapter — of this act, or section — of an ordinance or by-law or regulation of said city, describing it by its title), which said —— is now in force. By reason of such violation an action hath accrued to the city of Chippewa Falls, to recover of the defendant the sum of —— dollars debt. Wherefore the plaintiff demands judgment against the defendant for the sum aforesaid, besides the costs of this action."

Form of complaint—with warrant.

SECTION 6. In all cases where oath is made for a warrant for the complaint [it] shall be made on oath of the complaint [complainant] and no other affidavit shall be necessary, which last mentioned complaint may be substantially in the following form:

"THE CITY OF CHIPPEWA FALLS,
against
A. B.

"In Justice's Court, before C. D., Justice.

"COUNTY OF CHIPPEWA—ss.

"————, being sworn, complains on oath to C. D., one of the justices of the peace in and for the city of Chippewa Falls, in said county, that A. B., on the — day of ——, 18—, at said city, did violate (section — of chapter — of this act, or section — of an ordinance or by-law or regulation of said city, describing it by its title), which said —— is now in force, as this complainant verily believes, and prays that the said A. B. may be arrested and held to answer to said city of Chippewa Falls therefor.

"Sworn and subscribed before me, this —— day of ——, 18—.

"—— ——."

Number of chapter and section sufficient.

It shall be sufficient to give the number of the section and chapter of this act, or the section of the ordinance, by-law or regulation violated, in the foregoing forms of complaint, and said complaint may be sworn to before any officer authorized to administer oaths. Upon the filing of such complaint with the justice of peace, he shall issue a warrant substantially in the following form:

Form of warrant.

"COUNTY OF CHIPPEWA—*City of Chippewa Falls*—ss.

"THE STATE OF WISCONSIN,

"*To the Sheriff or any constable of said county, and to the marshal of the city of Chippewa Falls, greeting:*

"Whereas, —— —— has this day complained to me in writing, on oath, that A. B., on the —— day of ——, 18—, at said city, did violate (section —— of chapter —— of this act, or section —— of an ordinance or by-law, or regulation of said city, describing it by its title), which said —— is now in full force, as the com-

plainant believes; therefore, you are commanded to arrest the body of said A. B., and bring him before me forthwith, to answer to the city of Chippewa Falls, on the complaint aforesaid.

"C. D., *Justice of the Peace.*"

Upon the return of the warrant, the justice may proceed summarily with the case, unless it be adjourned by consent or for cause. If the case be adjourned, the the defendant, if required by the court so to do, shall recognize with security to be approved by the court, for his, her or their appearance, in such sum as the court shall direct; or in default thereof, may be put in charge of the officer who made the arrest, or be committed to the common jail of Chippewa county. The complaint made as aforesaid shall be the only complaint required, and the plea of not guilty shall put in issue all subject matter not embraced in the action. **Return of warrant. and recognizance of defendant.**

SECTION 7. A printed copy of an ordinance, by-law or regulation passed by the common council, and published by a newspaper or in pamphlet or book form, purporting to be published by authority of the common council, shall be *prima facie* evidence of its due passage and publication, and shall be received in evidence on trial of all cases cognizable before any court of this state. **Printed copy *prima facie* evidence.**

SECTION 8. Witnesses and jurors shall attend before a justice of the peace in all city and criminal suits, without the payment of fees in advance or a tender thereof, upon process duly served, and in default thereof, their attendance may be compelled by attachment. **No tender of fees required.**

SECTION 9. In city prosecutions, no jury shall be allowed either party, and the findings of the court shall be guilty or not guilty. If guilty, the court shall render judgment thereon against the defendant for the fine, penalty or forfeiture presented in this act, or in the ordinance, by-law or regulation for the violation of which the person or persons shall have been adjudged guilty, and for costs of suit; but if not guilty, the costs of suit shall be taxed against the city. Upon the rendition of judgment against the defendant, and the non payment thereof, the justice shall forthwith issue execution, as in cases of tort, in case the action was commenced by summons, or a commitment in case it was commenced by warrant, and shall in either case determine and enter upon his docket the length of time the defendant shall **No jury allowed—rendition of judgment and issue of execution.**

be imprisoned, which in no case shall exceed six months, and also insert such time in the execution or commitment. Such execution shall be in the following form:

Form of execution.

"COUNTY OF CHIPPEWA—*City of Chippewa Falls*—ss.

"THE STATE OF WISCONSIN:

"*To the sheriff or any constable of said county, and to the keeper of the common jail of said county, greeting:*

"Whereas, the said city of Chippewa Falls, on the —— day of ——, 18—, recovered a judgment before the undersigned, one of the justices of the peace in and for said city, against —— ——, for the sum of —— dollars, together with —— dollars and —— cents, costs of suit, for the violation of (section —— of chapter —— of this act, or section —— of an ordinance or by-law or regulation of said city, describing it by its title), you are hereby commanded to levy distress of the goods and chattels of said —— ——, excepting such as the law exempts, and make sale thereof according to law to the amount of said sums, together with your fees, and twenty-five cents for this writ, and the same return to me in thirty days; and for want of such goods and chattels whereon to levy, to take the body of the said —— ——, and him convey and deliver to the keeper of the common jail in Chippewa county; and said keeper is hereby commanded to receive and keep in custody in said jail, the said —— —— for the term of ——, unless the said judgment, together with all the costs and fees are sooner paid, or he be discharged by due course of law.

"Given under my hand this —— day of ——, 18—.

"C. D., *Justice of the Peace.*"

Commitment the same.

The form of the commitment shall be substantially the same as that of the execution, omitting all that relates to the levy and sale and return of writs.

Defendent may appeal—justice to make special return.

SECTION 10. In all cases the defendant may appeal from such judgment to the circuit court of the county of Chippewa: *provided*, such defendant, within twenty-four hours, enter into a recognizance, with one or more sufficient sureties, to be approved by such justice, conditioned to appear before said court and abide the judgment of the court therein. The justice from whose judgment an appeal shall be taken, shall make a

special return of the proceedings had before him, and shall forthwith cause the summons or warrant and return, together with the proceedings and a copy of the entries on his docket in the action, together with the recognizance, to be filed in the office of the clerk of the said court; and the city may appeal from any such judgment, as in other cases before justices of the peace.

Trial by jury.

SECTION 11. Said appeal shall stand for trial by jury, unless a jury be waived in the manner provided by law, in said circuit court, at the next term thereof after the day the judgment of the justice shall be rendered, and no notice of trial shall be required to be given to or by either party.

Judgment and penalty.

SECTION 12. If the judgment of the justice shall be affirmed, or if upon the trial the defendant shall be convicted, the court shall inflict the penalty provided by this act, or the ordinance, resolution, by-law or regulation under which he or they are prosecuted, and enter judgment against him or them and their sureties for such penalty, together with the costs in both courts, and enforce the same by execution, as in actions of tort.

Incompetency.

SECTION 13. No person shall be an incompetent judge, justice, juror or witness by reason of his being an inhabitant of said city, in any proceeding or action in which the city shall be a party in interest.

Shall remain in force.

SECTION 14. All ordinances and regulations now in force in the city of Chippewa Falls, and not inconsistent with this act, shall remain in force until altered, modified or repealed by the common council after this act shall take effect.

Actions etc., coatinued.

SECTION 15. All actions, rights and penalties, fines and forfeitures in suits or otherwise, which have arisen or accumulated under the several acts consolidated herein, shall be vested in and prosecuted by the corporation hereby created.

How process served on city.

SECTION 16. When any suit or action shall be commenced against said city, the service thereof may be made by leaving a copy of the process of summons with the mayor or clerk of said city, and it shall be the duty of the said mayor or clerk so served, forthwith to inform the common council thereof, or to take such demand or proceeding as by ordinance or resolution of said council may be in such case provided.

Fines paid into treasury.

SECTION 17. All penalties and forfeitures recovered and collected under and by virtue of this act, shall be paid into the city treasury for the use and benefit of said city, except as provided in chapter nine of this act.

Fire apparatus exempt from execution.

SECTION 18. All fire engines, hose, carts, hooks and ladders, and wagons therefor, and all other apparatus and implements used to extinguish fire, and all houses or buildings owned or occupied by said city for such engines, hose, hose carts, hooks and ladders and other apparatus and implements, shall be exempt from attachment or execution issued in any action, or on any judgment wherein the said city shall be a party.

Private property not held for public debt.

SECTION 19. No real or personal property of any inhabitant of said city, or of any individual or corporation, shall be levied on or sold by virtue of any attachment or execution issued to collect or satisfy any contract, debt or obligation of said city, or on any judgment against said city.

Imprisonment for violation of ordinance.

SECTION 20. In all cases where a defendent shall be convicted of any violation of any ordinance or police regulations of said city, the court before whom the same is tried shall have power to sentence the defendant to a term of imprisonment in the common jail of Chippewa county, for any period not exceeding six months.

May grant pardons.

SECTION 21. The mayor shall have power to grant pardons or commutations after convictions, for all offenses against the ordinances of the city, upon such conditions as he may deem proper. He shall communicate any such actions to the council at its next meeting, with the reasons therefor.

## CHAPTER XI.

### IMPROVEMENT OF STREETS AND SIDEWALKS.

Street improvements—passage of ordinance.

SECTION 1. Every ordinance, resolution or by-law providing for the repairing, construction or reconstruction of any sidewalk or gutter, or for the grading, repairing or improving of any street at the expense in whole or in part, of the owners of the lots or parcels of land abutting or fronting such sidewalk, gutter or street, shall, on being introduced at a meeting of the common council, be referred to some appropriate committee, and any such ordinance, resolution or by-law shall not be passed or adopted sooner than fourteen

days after the introduction thereof, nor until ten days after the proceedings of the council had relative thereto, at the meeting when such ordinance, resolution or by-law was introduced shall have been published in the official newspaper of the said city.

SECTION 2. The common council of the city of Chippewa Falls shall have power to establish the grade of the streets of said city, and to change and reestablish such grade as they shall deem expedient: *provided*, that whenever they shall change or alter the grade of any street, any person who shall claim to have sustained damages by such change or alteration of grade shall have his right of action against the city for the recovery of such damages, but no suit shall be commenced against the city therefor until application has been made to the common council to pay such damages, and said council shall have refused or neglected for three months to pay or settle the same. **May establish grade.**

SECTION 3. It shall be the duty of the street commissioner to see that all the ordinances of the city relating to the obstructions and cleansing of sidewalks, streets, alleys, public grounds, reservoirs, gutters, sewers, waters and water courses in said city are duly observed and kept, and direct and control the persons employed therein. The superintendent of streets shall have a general supervision over all works let by contract for the improvement of streets or sidewalks in said city, unless the common council shall otherwise provide. **Clearing and cleansing of streets, etc.**

SECTION 4. Sidewalks shall be constructed, reconstructed or repaired upon the proper established grade of any street in said city, of such width, in such manner, of such materials and in such time as the common council by ordinance, resolution or order shall direct, by the owner or owners of any lot or piece of ground in front of which such sidewalk shall be ordered. If the owner or owners of any such lot or piece of ground shall not construct such sidewalk as aforesaid, in the manner, of the material or at the time as so directed, the common council may cause the same to be constructed forthwith at the expense of such owner or owners. The contract for the construction of any such sidewalk shall be let to the lowest reasonable, responsible bidder, and notice shall be given by publication in the official paper of the city, for at least three days, of **Regulations for construction of sidewalks.**

the time, place and manner of receiving such bids. The common council shall levy a special tax upon each lot or piece of ground in front of which any sidewalk shall be constructed by contract, sufficient to pay the cost of constructing the same: *provided*, that no such contract shall be let until twenty days after notice shall have been given to such owner or owners, of the ordinance, resolution or order, requiring the construction of such sidewalk, by the publication of the same at least five days in the official paper of the city.

Powers of the council in relation to.

SECTION 5. The common council shall have power by a vote of two-thirds of all the members of the common council to order the building, construction reconstruction or repair of sidewalks in the city of Chippewa Falls, in such manner as they may deem proper. The city clerk shall receive all proposals for constructing and repairing sidewalks, and shall open them in the presence of the council, which shall award the contract to the lowest responsible bidder: *provided*, such bid is a reasonable one, subject to such provisions in the case of violation of contract, and to such other particular provisions as the council may prescribe. The proceedings for ordering the repair of sidewalks and levying and collecting special taxes on the respective lots to pay for the same, shall be the same as herein provided as in the case of constructing a new sidewalk, except as otherwise provided in this section. No contractor for building or repairing sidewalks shall receive any pay therefor from the city under any circumstances until the tax levied for that purpose shall have been paid to the city or county. Whenever a sidewalk shall be out of repair and so remain for the space of twenty-four hours, which in the opinion of the street commissioner will not cost to exceed the amount of five dollars, in front of any one lot, to repair the same, he shall be authorized and it is hereby made his duty, to cause the same to be immediately repaired; and when the same is completed, he shall make out an itemized bill of the cost of such repair, specifying the lot and block or piece or parcel of land in front of which said work was done, verified by his oath, and shall deliver the same to the city clerk and said clerk shall forthwith present the same to the owner of such lot, piece or parcel of land, if a resident of the city of Chippewa Falls, for payment, and if the owner of such

Of street commissioner in relation to repairs.

lot, piece or parcel of land shall refuse or neglect to pay the same for ten days, then the clerk shall report the fact to the council, and the council shall thereupon levy a special tax upon said lot, piece or parcel of land, to pay the same, in the same manner as special taxes are levied for the construction of sidewalks. In case the owner of such lot, piece or parcel of land does not reside in the city of Chippewa Falls, the said commissioner shall return said account to the common council with his certificate, stating that fact, and the council shall thereupon levy a special tax to pay the same in the manner in this section provided.

May let work by contract, for construction of sidewalk.

SECTION 6. The common council of said city shall have power, and may in its discretion by a vote of two thirds of its members, advertise and let to the lowest responsible bidder, whose bid it shall deem reasonable and proper, the construction of any sidewalk or gutter, or the making of improvement on or along any street or highway in said city limits which shall have been ordered, and levy a tax upon each lot or piece of ground in front of which said sidewalk, gutter or improvement shall have been ordered and constructed under such contract, sufficient to pay the costs of constructing the same, without giving notice requiring the owner or owners of such lot or lots or pieces of ground to construct the same.

For grading streets, etc.

SECTION 7. The common council of the city of Chippewa Falls shall have the power, by an affirmative vote of two thirds of all of its members, to order and contract for the making, grading, paving and repairing and cleansing of streets and parts of streets, alleys, public grounds, reservoirs, gutters and sewers, in the manner hereinafter mentioned, and direct and control the persons employed thereon.

Costs and expenses, how chargeable.

SECTION 8. The costs and expenses of surveying streets, alleys, sewers and gutters, and of estimating work thereon, in the execution of any public improvement, shall be chargeable to and payable by the city. The cost and expense of opening, grading or graveling, planking, paving or repairing of streets and alleys shall be chargeable to and payable wholly or in part by the lots or land fronting on such street or alley, so that each lot or parcel of land shall pay for work between the front of each lot or parcel of land and the center of such street or alley, or such portion thereof as

the common council shall determine. Sewers and gutters may be ordered by the common council, and built at the expense of the lots or parts of lots benefited thereby, and fronting upon the side of the street along which said sewer or gutter shall be constructed: *provided, however*, that when sewers or gutters are constructed through alleys, no lot shall be assessed therefor except those situated in the block through which such sewers or gutters may be constructed; *and provided, further*, that in all cases when improvements or work of any kind are chargeable by virtue of this section, upon lots benefited, all such improvements across streets, alleys and public grounds shall be made and paid for by the city, in proportion to the width of the street, alley or public ground.

**Shall cause estimate to be made.**

SECTION 9. Whenever the common council shall determine to make any public improvement, as authorized by this chapter, they shall cause to be made an estimate of the whole expenses thereof, and of the amount thereof to be assessed and charged to each lot and parcel of land, and in case of grading, of the number of cubic yards to be filled in or excavated in front of each lot, and the proportion thereof across each street, alley or public ground as aforesaid; and such estimate shall be filed in the office of the city clerk for the inspection of the parties interested before such work shall be ordered to be done. The common council may authorize the letting of such work by contract to the lowest bidder, at the expense of the lots upon which such work is chargeable, in whole or in part, as aforesaid, all bids for doing the same to be approved by the council; and the said council shall have power to reject any and all bids and may require such contractors to perform such contract within such time and under such conditions, and to give such security for the performance of such work as they shall direct; such contract when approved by the council, to be executed on the part of the city by the mayor and countersigned by the city clerk; notice of the time and place of receiving such bids to be published for ten days in the official paper of said city. The common council instead of letting such work by contract to the lowest bidder, may, by an affirmative vote of two-thirds of the members of the council, order the grading, repairing or improving of any street or the making

**Letting of the contract.**

of any public improvement to be done directly by and under the supervision of the street superintendent, at the uniform expense, in whole or in part of the lots or parcels of land abutting or fronting on such street or public improvement.

How expenses of deep cutting and extraordinary filling to be paid.

SECTION 10. Whenever the general interests of the city require deep cutting or extraordinary filling in any street, and the owners of the lots and lands fronting on such deep cutting or filling shall deem themselves aggrieved thereby, and shall represent to the council, in writing, that the expenses of such excavation or filling will exceed the proportion that should be justly or equitably charged upon the property assessed therefor, the council shall require the marshal to summon five freeholders, not residents of the ward, not interested in said lots or lands, who, after being sworn faithfully and impartially to discharge the trust reposed in them, shall examine the premises within five days therefrom, and if in their opinion the cost of such work will exceed the amount that should be justly and equitably chargeable upon said premises, it shall be their duty to determine what portion of such work shall be chargeable to such lots or parcels of land respectively, and what lots and parcels of land on the streets so to be improved will be benefited by such deep cutting or filling, and how much or what portion shall be chargeable to them, and to make a report thereof in writing as soon as practicable, but within ten days after such examination, to the common council; and such proportion as shall be reported as properly chargeable to the lots or parcels first mentioned, shall be assessed upon and collected from the same, in the same manner as herein provided; in case such owners shall not do such work, the remainder shall be assessed upon the lots benefited by such improvement, in proportion to their respective benefit as determined by said jury. The sum so assessed shall become a lien upon the premises assessed, and shall be collected therefrom as a special assessment, in the same manner as other special assessments for improvements are collected: *provided*, that should said jury find that said petitioners were not entitled to any division of the expense so assessed upon their lots or parcels of land, then the expenses of all proceedings under this section shall be paid by said petitioners, and the common council may require a bond

for the payment of the same upon the filing of the petition: *provided, also*, that the petition of no owner feeling himself aggrieved shall be received unless the same be presented within twenty days after the publication of the notice requiring the same to be done; *and provided further*, that when it shall appear to the council that any such lands belong to non-residents, infants or persons laboring under legal disability, who shall not be represented by any agent or guardian, or not to benefit by the making of streets in front of such lots or lands to the amount of the costs and expenses thereof, it shall then be the duty of the said council to cause to be summoned a jury, as herein provided.

**Who to be supervisors of work.**

SECTION 11. All work provided for in this chapter shall be done under the supervision of the mayor, street commissioner and city surveyor, and shall be approved by them before it shall be accepted by the council.

**Contractor entitled to certificate for work done.**

SECTION 12. Whenever any work has been done under contract as provided in this act, and the work shall have been approved by the mayor, street commissioner and city surveyor, such contractor shall be entitled to a certificate therefor, stating the amount of work done by such contractor and the nature thereof, and the description of the lot or parcel of land upon which the same is chargeable, which said certificate may be transferred by indorsement thereon; and if the amount is not paid before the time of making out the annual assessment roll, the same may be filed with the city clerk, and the common council shall order the same assessed upon the said lots of land, respectively, as a special tax, and to be collected therefrom for the benefit of the holder of said certificate as other taxes on real estate are collected by virtue of the laws of this state, except that personal property shall not be seized or sold for the payment thereof, and if the notice to do the work required shall have been given as herein prescribed, no informality or error in the proceedings shall invalidate or vitiate such assessment: *provided*, that in no event where work is ordered to be done at the expense of any lot or parcel of land, shall the city be held responsible for, or on account thereof or for any proceedings for the collection of the pay therefor.

**Shall levy highway tax.**

SECTION 13. The common council of the city of Chippewa Falls shall, on or before the first Monday in May in each year, determine and levy the amount of

highway tax in said city for the ensuing year, for the purpose of constructing and repairing streets, highways and bridges in said city, which amount shall not be less than two or more than five mills on the dollar upon all of the taxable property of said city, as the same shall appear by the last assessment roll of said property.

**Shall make out list of highway tax payers.**

SECTION 14. The city clerk shall, within fifteen days after said highway tax shall be so levied, make out and deliver to the city treasurer, a list of all persons liable to pay highway taxes in said city, which list shall also contain a statement of all the taxable personal property, and a description of all lots or parcels of land within said city, with the value of each lot or parcel set opposite to such description, as the same shall appear on the assessment roll of the previous year; and if such lot or tract was not separately described in such roll, then in such proportion to the valuation which shall have been affixed to the whole tract of which such lot or parcel forms a part, and the amount of such tax shall be carried out in a separate column opposite the name of each person or persons, corporation or corporations, [to whom] each item of taxable property upon said list [is to be assessed.]

**Shall make duplicate list.**

SECTION 15. The city clerk shall make a duplicate of such list; both of which shall be signed by the mayor, and countersigned by the city clerk, one of which lists shall be filed in the office of the city clerk, and the other shall be delivered to the city treasurer.

**Shall annex warrant—its form.**

SECTION 16. The city clerk shall annex to each such tax list, a warrant signed by the mayor and city clerk, which shall be in substance in the following form:

*To A. B., treasurer of the city of Chippewa Falls:*

You are hereby required to collect from the several persons and corporations named in the annexed tax list, and from the owners of the real estate described therein, the taxes set opposite to such persons, corporations and property, within the time limited by law, and to apply the taxes by you so collected and make due return thereof as required by law.

Dated —— day of ——, 18—.

—— ——, *City Clerk.*
—— ——, *Mayor.*

Power of treasurer to collect taxes.

SECTION 17. The city treasurer shall have the same powers, and proceed to collect said taxes, in the same manner as in the collection of general taxes, and in case the said treasurer shall be unable to collect any portion of said tax, he shall on or before the third Monday of November in each year, make out and deliver to the city clerk of said city, a list of all such unpaid taxes; which list shall contain the name of all persons, corporation or corporations, and the description of all real estate or personal property included in said tax roll, and the amount of such tax against each of such descriptions or items so uncollected; which said list shall be sworn to by said city treasurer, before some officer authorized to administer oaths.

Shall make out delinquent list.

SECTION 18. Upon the receipt of such list, the city clerk shall, at the time of making out the general annual tax roll of said city for that year, place in a separate column on said roll, the amount of said delinquent tax against the proper description of real estate and personal property, which shall be collected or returned in the same manner as general taxes are collected or returned by law.

Shall credit wards with highway tax.

SECTION 19. The city treasurer shall credit each ward in said city with the amount of such highway tax collected by him therein, and all the moneys so collected shall be expended on streets, highways and bridges in the wards where collected, in the manner in this act provided.

## CHAPTER XII.

### PUBLIC SCHOOLS.

Election of school commissioners and term of office.

SECTION 1. The mayor and council of the city of Chippewa Falls shall, at their first regular meeting after this charter shall go into effect, elect as school commissioners one person from each ward of said city, who shall hold office till the first Monday of July, 1872, and one other person from each ward who shall hold office till the first Monday of July, 1873, and one person from the city at large, who shall hold office till the first Monday in July, 1872; and annually thereafter the said mayor and council shall, at their regular meeting in May, elect one school commissioner from each ward, who shall hold office for two years, and each alternate year after 1872, one from the city at large,

unless sooner removed for misconduct or other sufficient cause, by a vote of two-thirds of the appointing power. The terms of office of said commissioners who shall be elected after the first election shall commence on the first Monday of July in each year: *provided*, that all members of the school board now in office shall hold their respective offices for the full term for which they were elected and until their successors are duly elected and qualified.

**Shall form board of education.**

SECTION 2. The school commissioners elected under the provisions of section one of this chapter shall form the "Board of Education of Chippewa Falls," and a majority of said board shall form a quorum for the transaction of business. It shall be the duty of the mayor and council to supply by appointment any vacancy which may occur from time to time in the number of said school commissioners by resignation or otherwise.

**President of the board—his duties.**

SECTION 3. The board of education shall at its first regular meeting, and on the first Monday in July of each year thereafter, elect one of its members president, who shall preside at all meetings of the board, and preserve order and decorum thereat, and decide all questions of order subject to appeal to the board. He shall countersign all orders drawn by the secretary for the payment of teachers' and janitors' wages, and all other incidental and necessary expenses of said board of education; and in all suits brought by or against the school district, he shall appear in behalf of the district, unless some other provision is made by the board of education. He shall declare all votes taken on questions coming before the board: *provided*, that on all questions requiring appropriations of money, or the adoption of new text books, the vote shall be taken by ayes and noes, and on any other question the ayes and noes shall be called when any members shall request it: *provided further*, that in the absence of the president the board shall elect a president *pro tempore*.

**Regular and special meetings.**

SECTION 4. The board of education shall have at least one regular meeting in each month, at such time and place as may be directed by them, and they may have special meetings at such other times as they may deem necessary, or when called together by the president, but no such special meeting shall be legal unless each member of the board shall have first been served

with notice in writing of the time and place of such meeting.

Duties of the board—to decide upon number and make contract with teachers.

SECTION 5. The duties of the board of education shall be as follows:

1st. To decide upon the number of teachers to be employed, the grade of school to be kept by each, and the amount of salary to be paid each, and to hire and make contracts with the teachers; and before any teacher shall enter upon his or her duties as such, he or she shall enter into a written contract, which contract shall be signed by such teacher and by the said board of education, or by some member thereof designated for that purpose by resolution of said board. Such contract shall be made in duplicate, and one copy thereof filed with the clerk and the other copy delivered to such teacher.

Vacations and text books.

2d. To arrange and determine terms and vacations in all public schools; to establish uniformity in the school system, and to require and secure uniformity in text-books, and to adopt or reject text-books at will.

Rules and regulations.

3d. To establish rules and regulations for the schools not in conflict with the constitution or laws of this state; but the mayor and council may in their discretion do away with, annul or abrogate any such rule or regulation by a two-thirds vote of the whole number of aldermen of the city.

Make contracts and repairs.

4th. To make contracts for all fuel, stationery and articles of furniture required for the use of the schools; to make all necessary repairs on school houses, not exceeding one hundred dollars in value for any one school house; to make contracts for all incidentals required for carrying on the school houses, such as lighting fires, sweeping school rooms, etc.; and such contracts when executed shall be paid by orders drawn on the city treasurer, payable out of the school fund, which orders shall be signed by the president of the board of education and countersigned by the clerk of said board.

Make annual statement of teachers' wages and keep record

5th. The said board shall annually, on or before the first day of November in each year, submit a statement to the mayor and council, showing the amount of teachers' wages that [have] accrued and become due during the year, and the amount of all other indebtedness accruing on contract or otherwise, that has been made by order of the board, and for that purpose they shall cause entries to be made in a book or books

provided by the city, of contracts made with the teachers, and the amount of salary to be paid, and of all other expenditures made or authorized by said board at the time the same shall be made or authorized, which book or books shall be subject to inspection in the same manner as the records of the proceedings of said board, and they shall at the same time submit for the consideration of the council a statement of the estimates required for carrying on the schools for the ensuing year, specifying the amount required for teachers' wages and other items separately and specifically. Nothing in this section contained shall prevent the mayor and council from taking into consideration the amount to be received from the state from the income of the school fund, and the amount to be received from the county school tax during the ensuing year.

**Statement and estimate of cost of repairs, and of new buildings.**

SECTION 6. Whenever repairs to a larger amount than one hundred dollars shall, in the opinion of the board, be required for any one school house, they shall cause a statement to be made showing the repairs required, and an estimate of the cost thereof, to be laid before the mayor and council; and whenever in their opinion another school house or houses shall be required, they shall cause estimates of the cost of a site for such house or houses, and a plan of the proposed building or buildings, together with the estimate of the cost of the same, to be made, and shall submit the same for the consideration of the mayor and council, who shall forthwith take measures to raise a tax to defray the cost of such repairs, or the erection of such building or buildings, and the purchase of a site or sites, unless there shall be a two-thirds vote of the whole number of aldermen of the city against the same, in which case such proposed repairs shall not be made, nor shall such site or sites be purchased, or building or buildings be erected; and it shall be the duty of said board to enter into contracts for making such repairs, or for the erection of such buildings, or for the purchase of such sites, whenever it shall be made to appear that the necessary tax for the same has been levied or authorized by the mayor and council.

**Shall draw orders on treasurer.**

SECTION 7. It shall be the duty of the president and secretary of the board of education to draw orders on the city treasurer, payable out of the school fund,

for teachers' and janitors' wages, and all other expenditures authorized by this act.

Not to be interested in contracts.

SECTION 8. No member of the board of education shall have any interest, direct or indirect, in any contract made by said board, and every contract so made, in which any member of said board shall have such interest, shall be absolutely void.

City clerk to be secretary.

SECTION 9. The city clerk shall, in addition to his other duties, act as secretary of the board of education.

## CHAPTER XIII.

### MISCELLANEOUS PROVISIONS.

All work to be let by contract.

SECTION 1. All work for the city or either wards, including all printing and publishing, may, in the discretion of the council, unless otherwise ordered, be let by contract to the lowest bidder, and due notice shall be given of the time and place of letting the contracts.

No unauthorzed contracts.

SECTION 2. No moneys shall be appropriated for any purpose whatever, except such as are expressly authorized by this act.

Remission of penalties.

SECTION 3. No penalty or judgment recovered in favor of the city shall be remitted or discharged, except by a two-thirds vote of the aldermen elect.

May cause new survey.

SECTION 4. The common council may at any time cause a new and accurate survey to be made of the line and boundaries of all the streets, alleys, sidewalks, public grounds, wharves and blocks, and may cause to be established such permanent landmarks as they may deem necessary, and to cause an accurate plat or plats thereof to be made and certified to by the surveyor, which shall be filed in the office of the city clerk, and recorded in the office of the register of deeds of the county of Chippewa.

To be evidence.

SECTION 5. The surveys and landmarks so made and established shall be *prima facie* evidence of the lines and boundaries of all streets, alleys, sidewalks, public grounds, wharves and blocks, in all cases in which they shall be drawn into controversy in all courts in this state.

May establish grades.

SECTION 6. The common council may, at such time as they may deem proper, establish the grades of all streets, alleys and sidewalks of said city, or any or either of them, and shall cause accurate profiles thereof to be made, one of which shall be filed in the office of

the register of deeds of Chippewa county; and should the grade so established be at any time thereafter altered, all damages, costs and charges therefrom shall be paid by the city to the owner of any lot or parcel of land or tenement which may be affected or injured in consequence of the alteration of such grade: *provided, however*, that nothing in this section contained shall be so construed as to prevent the street commissioners of the several wards of the said city from ordering or causing to be done, the grading of any street within their ward to a temporary grade, to be established by such commissioners.

**May hold real estate.**

SECTION 7. The said city may have, purchase and hold real and personal estate sufficient for the convenience of the inhabitants thereof, and may sell and convey the same; and the same while owned, occupied or held by said city, shall be exempt from taxation.

**Special taxation.**

SECTION 8. Real estate exempt from taxation by the laws of this state shall be subject to special taxation, as other real estate under this act.

**Plat of subdivisions and additions.**

SECTION 9. Every individual or company of individuals or body corporate, owning a lot or tract of land within the corporate limits of the city of Chippewa Falls, who may desire to subdivide or plat such lot or tract of land into city lots, shall, in platting the same, cause the streets and alleys in such plat to correspond in width and general direction with the streets and alleys through the lots and blocks in said city adjacent to said lot or tract so platted; and before making such plat as required by law, it shall be the duty of such person or persons, or corporation making such plats, to submit the same to the common council of said city for approval; and if said plat shall be approved by the common council, said person or persons, or corporation, may cause said plat or plats to be recorded according to law; but except such plat be approved by a resolution adopted by said council, a copy of which, duly certified by said clerk, shall be affixed to or entered on such plat, it shall not be lawful for the register of deeds of the county of Chippewa to receive such plat for record, or to record the same; and the person or persons neglecting or refusing to comply with the requirements of this act, shall forfeit and pay a sum not less than one hundred nor more than one thousand dollars, and the register of deeds who shall record such plat

without a copy of the resolution aforesaid approving the same, being entered on or affixed thereto, shall forfeit a sum not less than fifty nor more than one thousand dollars.

Parties to conveyance.

SECTION 10. When the city of Chippewa Falls deeds or leases any real estate, or any interest therein owned by said city, the party of the first part shall be the city of Chippewa Falls, and the person or persons authorized to execute such deed or lease need not be named in the body thereof.

May execute deed.

SECTION 11. The mayor of said city is hereby authorized, when the common council shall, by ordinance or resolution for that purpose, describe the real estate and interest to be conveyed under, and direct him so to do, to execute a deed or lease of such real estate or interest therein belonging to the said city. The said deed or lease shall be signed by the mayor of the city and countersined by the city clerk, and sealed with the corporate seal of said city, and duly witnessed and acknowledged, as is provided for the execution of deeds and conveyances.

Shall attach copy of ordinance.

SECTION 12. When any such deed or lease is so executed, the city clerk shall attach to such deed or lease a true copy, by him duly certified, of the ordinance or resolution aforesaid, and the same shall be recorded by the register of deeds with said deed or lease; and such copy so attached and record thereof, shall be in all courts of this state *prima facie* evidence of the authority of the mayor to make and execute such deed or lease.

Failure to elect or organize, not to suspend corporation.

SECTION 13. If any election by the people for common council shall for any cause not be held at the time or in the manner herein prescribed, or if the council shall fail to organize as herein prescribed, it shall not be considered reason for arresting, suspending or absolving said corporation, but such election or organization may be had at any subsequent day by order of the common council; and if any of the duties enjoined by this act or the ordinances or by-laws or regulations of said city, to be done by any officer at any specified time, and the same are not then done or performed, the common council may appoint another time at which said act may be done and performed.

Not repealable by general laws.

SECTION 14. No general law of this state contravening the provisions of this act shall be considered as

repealing, annulling or modifying the same, unless such purposes be expressly set forth in such law, as an amendment to this chapter.

Special appropriation.

SECTION 15. The common council shall have power to appropriate a sum not exceeding five hundred dollars, to any public purpose they may deem proper, but no such appropriation shall be made unless ordered by a two-thirds vote of all the aldermen elect.

Assessment and collection of poll tax.

SECTION 16. Every male inhabitant in the city of Chippewa Falls, over twenty-one years of age and under fifty, except active members of the fire department, and those otherwise exempt by the general laws of this state, shall pay into the city treasury annually, the sum of one dollar and fifty cents each, as a poll tax. It shall be the duty of the assessor of Chippewa Falls, during the month of April of each year, to make out duplicate lists of all persons liable to said tax in the city of Chippewa Falls, and said assessor shall, on the last Monday of April of each year, deliver one of said lists to the city clerk, and one to the treasurer of said city of Chippewa Falls. The said treasurer shall thereupon immediately proceed to collect the same, and all persons liable to pay such tax, who shall have not paid the same after demand, either personal or by written notice left at their usual place of abode, on or before the first day of June of each year, shall be liable to and shall pay a penalty of two dollars, in addition to said poll tax, together with the costs of prosecution, to be prosecuted for by said treasurer in the name of the city of Chippewa Falls. The process in each case shall be by warrant, as provided for in chapter 9 of this act, entitled, "actions to recover penalties, etc.;" and in case judgment shall be rendered against the defendant in such action, and he shall refuse or neglect to pay such judgment, he shall be imprisoned in the county jail ten days. The moneys collected as herein provided for shall be kept as a distinct fund, and shall be expended for the benefit and improvement of the streets of the city of Chippewa Falls. The mayor, city clerk and treasurer shall constitute a board to determine the liability of persons to pay such tax, and all persons claiming to be exempt from such tax must apply to said board within twenty days from the time when said lists shall be delivered to the treasurer as aforesaid. The city treasurer shall receive the same fees for col-

lecting said tax as he does for collecting taxes assessed upon real and personal property: *provided*, that if any person shall desire to, he shall be permitted to perform one day's work upon the streets of the city in the ward in which he resides, and the certificate of the street commissioner, that such person has performed one full day's labor, shall be received by the city treasurer in full discharge of such tax.

Jurisdiction of police justice.

SECTION 17. The jurisdiction of the police justice of the city of Chippewa Falls shall be co-extensive with the county of Chippewa, and the said police justice shall have exclusive jurisdiction to try all criminal cases, and conduct all examinations within said city in which the city is a part [party], under the laws in which justices of the peace have jurisdiction, and according to this act. And the police justice shall have and possess all the rights, powers and privileges of said justices of the peace, and all the laws of this state concerning justices' courts shall apply to the police court of the city of Chippewa Falls, except so far as the said law conflicts with the provisions of this act.

How actions in name of city may be prosecuted.

SECTION 18. In all cases where an action might be brought by the city of Chippewa Falls, against any person, company or corporation, such action may be commenced and prosecuted in the name of the city by any electors of said city: *provided*, that the complaint is made by any person other than a police officer of said city, sheriff of Chippewa county or any officers of said city. The justice may, in his discretion, require seventy-five cents as in civil courts, before justices of the peace.

May appoint clerk.

SECTION 19. The said justice may appoint a clerk, who shall have power to adminster oaths. The appointment of said clerk shall be in writing, under the hand of said justice, and filed in the clerk's office of the circuit court of Chippewa county.

Ornamental trees.

SECTION 20. The common council shall have power to require the owner of any lot or grounds in the city to set out ornamental trees in the street or streets fronting on the same, and in default thereof to cause the same to be done, and to levy a special tax upon such lot or grounds to pay the expenses of the same.

Public act.

SECTION 21. This act is hereby declared a public act, and shall be liberally construed in all courts of this state.

SECTION 22. All acts or parts of acts inconsistent and conflicting with the provisions of this act, are hereby repealed; but the repeal of said acts or parts of acts shall not in any manner affect, injure or invalidate any contract, acts or suits, claims, penalties or demands that may have been entered into, performed, commenced or that may exist under or by virtue or in pursuance of the said acts or any former act incorporating said city, or any of them, but the same shall exist and be enforced and carried out and be completed as fully and effectually, to all intents and purposes as if this act had not been passed. Repeal of conflicting acts not to affect contracts.

SECTION 23. This act shall take effect and be in force from and after its passage.

Approved March 23, 1872.

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## CHAPTER 109.

[*Published March* 30, 1872.]

AN ACT to authorize the city of Janesville to aid in the construction of a railroad from the village of Evansville to the village of Afton, by way of the city of Janesville.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. The common council of the city of Janesville, for the purpose of aiding in the construction of the railroads hereinafter mentioned shall have power and is hereby authorized to subscribe for the stock of any railroad or railway company or companies, that will construct, complete, equip and put in operation a railroad from the village of Evansville, in the county of Rock, to the village of Afton, in said county, by the way of the city of Janesville, or from said village of Evansville to said city of Janesville, or from said village of Afton to said city of Janesville, to an amount not exceeding the sum of eighty thousand dollars, upon such condition or conditions as shall be agreed upon by and between said common council and said railroad or railway company or companies, and to pay for such stock with the bonds of said city to be executed as hereinafter directed. May subscribe for stock.

How proposition to be made and acted upon.

SECTION 2. Whenever any railroad or railway company or companies shall desire the aid of said city in the construction of said railroads above mentioned, or either of them, such company or companies may make and file with the city clerk of the said city a proposition for such aid, stating the amount of aid desired. The common council of said city shall thereupon and within twenty days thereafter take such proposition into consideration, and said council is hereby authorized to make and enter into any stipulation, agreement or covenant, with such company or companies relating to a subscription to the stock of such company or companies to an amount not exceeding the sum above mentioned, and paying therefor with the bonds of said city that it shall deem best, for the interests and protection of said city, but no stipulation, agreement or covenant entered into by said council with such companies, shall take effect or have any force until the same shall have been submitted to and approved by the electors of said city as herein provided. If said council shall enter into any stipulation, agreement or covenant with such company or companies in relation to any subscription to the stock of such company or companies; it shall thereupon submit the question of such subscription to the electors of said city, and the city clerk of said city shall give notice of the special election in the manner hereinafter prescribed.

If council fail to act upon proposition, it may be submitted to the people.

SECTION 3. If the common council shall for any reason refuse, neglect or be unable to agree with such company or companies in relation to such subscription, or shall refuse or neglect to act upon the proposition of such company or companies, for the space of twenty days after the filing of such proposition with the city clerk of said city, said city clerk, upon such company or companies filing in this [his] office a request in writing that the proposition of such company be submitted to the electors of said city shall, within five days after the filing of such request, give notice of a special election to be held within twenty days thereafter in the manner hereainfter prescribed. All propositions made by any company or companies, and any and all stipulations, agreements and covenants, made by said common council with any company or companies in relation to any subscription for stock shall be reduced to writing, and kept on file in the office of the city clerk of said city, subject to the inspection of all persons.

SECTION 4. Whenever any special election shall be held in said city, as provided in this act, the city clerk of said city shall cause notice thereof to be published for ten days in a daily newspaper printed in said city; such notice shall be signed by said clerk and shall state the question to be submitted, and whether the same is upon the stipulation, agreement or covenant of said council with such company or companies, or upon the proposition of such company or companies; the amount of stock to be subscribed for, the amount of bonds to be issued, when the bonds shall become payable, the rate of interest thereon, and the place where in each ward such election will be held. The form of the ballots to be used at such election shall be "for aid to railroad," and "against aid to railroad." Such election shall be conducted by the same officers and in the same manner, and the votes cast thereat canvassed and the returns thereof made and the result declared in the same manner as the annual city election held under the charter of said city.

Notice of special election upon proposition.

Form of ballots.

SECTION 5. If a majority of the votes cast at such election shall be "for aid to railroad," the mayor of said city shall, on behalf of said city, subscribe for the amount of stock mentioned in the notice of such election, and shall make and execute the bonds of said city for the amount of stock so subscribed, payable at the times and drawing the rate of interest mentioned in said notice, which rate of interest shall not exceed eight per centum per annum, payable annually on the first day of November in each year. Such bonds shall be signed by the mayor and clerk and countersigned by the treasurer of said city, and sealed with the seal of said city, and shall have attached coupons or interest warrants signed by said treasurer. There shall be endorsed on the back of each bond a certificate of registry to be signed by the secretary of state.

If vote is favorable, bonds to be issued.

SECTION 6. Such bonds after the execution thereof shall be placed in one of the banks in said city, or deposited with such other custodian as shall be agreed upon by the president or other authorized officer of such company or companies, and said common council, and the bank or person with whom such bonds are deposited is hereby directed to deliver to such company or companies the bonds running to it or them, whenever the railroad or railroads of such company or com-

Bonds to be deposited.

panies shall be completed, and in operation to the point or points named in the notice of such election. In case said bonds shall never for any reason be delivered by such bank or custodian to such company or companies, the subscription of said city to the stock of such company or companies shall be wholly void in whose hands soever the same may be.

City to be a stockholder.

SECTION 7. The city of Janesville shall be a stockholder in the company or companies for whose stock it shall subscribe, in the same manner and with the same rights as an individual, from the date of such subscription to the time when it shall cease to be the owner thereof, or to the time its subscription shall become void by reason of the non-delivery of said bonds as aforesaid. Said common council may appoint any person or persons to attend the meetings of the stockholders of such company or companies and cast the votes of said city, but the casting of any vote or votes by or on behalf of said city shall not be deemed or construed to be a waiver on the part of said city of its right to have its subscription declared void, in case said bonds shall not be delivered by said bank or custodian.

Shall appoint agent.

Bonds to be registered in secretary's office.

SECTION 8. In case any bonds shall be issued by said city and delivered to any company or companies in pursuance with the provisions of this act, it shall be the duty of the company or companies to whom the same shall be delivered to cause the same to be registered in the office of the secretary of state of Wisconsin in a book kept for that purpose; such registration shall show the date, amount, number, rate of interest and maturity of each bond, and the secretary of state shall certify upon each of said bonds, the fact of such registration, for which registration and certificate he shall be entitled to a fee of twenty-five cents, to be paid by the holder of such bond. In case such company or companies or the holder of any of said bonds shall neglect or refuse to cause the same to be registered as aforesaid, the city clerk of said city may, by his certificate under his hand and the seal of said city, certify to said secretary of state, the date, amount, number, rate of interest and maturity of said bonds, and said secretary of state shall thereupon make a register of said bonds in the same manner as though said bonds had been presented by such company or companies.

SECTION 9. In case any bonds shall be issued by said city and delivered as aforesaid, it shall be the duty of the city clerk of said city, on or before the fifteenth day of September in each year, to make and transmit to the secretary of state to be filed in his office, a certificate under his hand and the seal of said city, stating the total value of all taxable property, both real and personal in said city, as exhibited by the assessment roll of that year, and also the total value of all taxable property both real and personal in said city in the year 1872, as exhibited by the assessment roll of that year.

Shall make certificate of value of property.

SECTION 10. In case any bonds shall be issued by said city and delivered as aforesaid, it shall be the duty of the state treasurer, and he is hereby required immediately upon receiving the state tax in each year, to place to the credit of the said city of Janesville in the state treasury annually, so long as said bonds shall remain unpaid, all of the state tax collected and paid into the state treasury on the increased valuation of the taxable property in said city over and above the valuation of the taxable property in said city in the year 1872, as shown by such certificate of the city clerk of said city.

State treasurer to credit state tax on increased valuation.

SECTION 11. In case any bonds shall be issued by said city and delivered as aforesaid, it shall be the duty of the state treasurer and he is hereby required, immediately upon receiving the annual state tax or license fee from the company or companies for the purchase of whose stock such bonds were issued, or from the successors or lessees of such company or companies, to place to the credit of said city of Janesville annually so long as said bonds shall remain unpaid, the whole amount of such state tax or license fee which shall be paid by the company or companies for whose stock said city shall have subscribed and issued its bonds, or by the successor or lessee of such company or companies, and in case the said railroad from the village of Evansville to the village of Afton by the way of the city of Janesville, or the railroad from the village of Evansville to the city of Janesville, or the railroad from the village of Afton to the city of Janesville shall be constructed and put in operation by any company or companies having a line of railroad extending beyond said village or either of them, and operated in connection

Shall credit state tax or license fee from company.

with the roads above mentioned or either of them, said state treasurer shall immediately upon receiving from such company or companies, their successors or lessees, the annual state tax or license fee, place to the credit of said city annually so long as said bonds shall remain unpaid, so much of such state tax or license fee as shall be equal to three per centum of the gross earnings of the railroad or railroads in the construction of which said subscription was made to aid.

City to subscribe for stock and deliver bonds.

SECTION 12. In case the railroads above mentioned, or either of them shall be constructed and put into operation, and said city shall subscribe for the stock and issue and deliver its bonds to aid in the construction of said roads, or either of them, it shall be the duty of the company or companies, person or persons operating the railroad or railroads which shall have been constructed with the aid of said city, so long as the bonds of said city shall remain unpaid, to state in its or their annual report to the secretary of state, the amount of the gross earnings of such road or roads for the year for which such report is made.

Bondholders to be paid by state treasurer.

SECTION 13. The sums so placed to the credit of said city shall be paid to the holder or holders of such bonds by the said state treasurer, on the presentation of them to said state treasurer, who shall, if the amount paid is sufficient to fully pay such interest, warrants or bonds, take up, cancel and file the same in his office, but if such payment shall be insufficient to fully pay any interest warrant or bond, he shall indorse the amount paid on such interest warrant or bond, over his signature as such state treasurer. Whenever any of the bonds issued by said city on the coupons or interest warrants attached to said bonds shall be paid and cancelled by said city, they shall be immediately delivered to said state treasurer and filed in his office.

Shall levy annual tax to pay bonds.

SECTION 14. In case any bonds shall be issued and delivered by said city in pursuance with the provisions of this act, it shall be the duty of the common council of said city, in each and every year until said bonds shall be fully paid, to levy upon the taxable property of said city, and cause to be collected a tax sufficient to pay the amount that shall become due in such year upon said bonds for principal and interest, after deducting the amount of any which shall have been placed to the credit of said city by said state treasurer.

SECTION 15. This act shall not be construed to prevent said city, from subscribing for the stock of such railroad or railroads, and issuing its bonds under and in pursuance of any general laws of the state authorizing cities to aid in the construction of said roads. Not to interfere with general laws.

SECTION 16. It shall be lawful for the common council of said city to pay out of the general fund of said city the cost of any and all surveys and estimates which have been or shall hereafter be made by or under its direction, to determine the propriety of aiding in the construction of any railroad or railroads into or through said city, and the amount so paid by said common council may be added to the amount authorized to be levied by said council for current expenses for the next year, after such payments shall be made and collected therewith. Cost of surveys to be paid out of general fund.

SECTION 17. This act is hereby declared to be a public act, and a part of the contract upon which any subscription shall be made or bonds issued and delivered by said city, and a repeal thereof, or of any part thereof, after a subscription for stock by said city, shall not affect the rights of said city hereby created, nor the rights of the holders of any bonds issued by said city to have such bonds and interest thereon paid in the manner herein mentioned. This act to be part of the contract.

SECTION 18. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

SCTION 19. This act shall take effect and be in force from and after its passage and publication.

Approved March 23, 1872.

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## CHAPTER 110.

AN ACT authorizing J. B. Schanbly to build and maintain one or more mill-dams across the Milwaukee river.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. John B. Schanbly, his associate, heirs and assigns are hereby authorized to erect and maintain one or more mill-dams across the Milwaukee river, in the county of Ozaukee, on section numbered thirty- May erect dams

shall suppress in a summary manner, all rioting and disorderly behavior within the limits of the city, and for such purpose may command the assistance of all bystanders, and if need be, of all citizens and military companies. If any person, bystander, military officer or private, shall refuse to aid in maintaining the peace when so required, every such person shall forfeit and pay a fine of fifty dollars, and in case where the civil power may be required to suppress riots or disorderly behavior, the superior or senior officer present in the order mentioned in this section, shall direct the proceedings.

Powers, rights and jurisdiction of the police justice.

SECTION 21. The police justice shall have and possess all the authority, powers and rights of a justice of the peace in civil proceedings, and shall have sole and exclusive jurisdiction to hear all complaints and conduct all examinations and trials in criminal cases within the city, and shall have exclusive jurisdiction in all cases in which the city shall be a party, and shall have the same power and authority in cases of contempt, as a court of record: *provided*, that nothing herein contained shall be deemed to divest the judges of the circuit or county courts of the authority as conservators of the public peace, nor to affect in any manner the powers or jurisdiction of the circuit or county courts of the county of Marathon. The police justice shall be entitled to receive for his services the same compensation in fees as is allowed by law to justices of the peace for similar services and no other, but the city shall not be liable to the said police justice for his said fees, except such as shall accrue in prosecutions for the violation of the charter or ordinance of the city wherein the offender shall have been discharged from imprisonment or custody by the authority of the common council. In case of absence, sickness or other disability of the police justice, the mayor, by warrant, may authorize any justice of the peace within said city to perform the duties of justice of the peace [police justice], and it shall be thereupon the duty of the mayor to inform the city attorney and marshal of such substitution, and make report thereof to the common council, and they may confirm or set aside such appointment, and the justice so appointed shall, for the time being, possess all the authority, powers and rights of the police justice. Appeals and writs of *certiorari* may be taken from the po-

His fees.

His substitute.

lice justice in the same manner as from the justices of the peace.

SECTION 22. The police justice shall, quarterly, report to the common council a list of all proceedings instituted before him in behalf of the city, and the disposition thereof, and shall, at the same time, account and pay over to the treasurer, the amount of all penalties and fines collected, which may by law accrue to the city. The city shall not be liable or pay any costs for violations of any law of this state. Shall make quarterly report

SECTION 23. The common council may elect a city surveyor, and by the by-laws of said city, may prescribe his powers and duties. May elect city surveyor.

SECTION 24. The mayor and aldermen shall constitute the common council; and the style of all ordinances shall be: "the common council of the city of Wausau, do ordain," etc. The common council shall meet at such time and place as they by resolution shall direct. A majority of the aldermen shall constitute a quorum. Style of ordinances.

SECTION 25. The common council shall hold stated meetings; and the mayor may call special meetings, by notice to each of the members, to be served personally, or left at their usual places of abode. The common council shall determine the rule of its proceedings, and be the judge of the election and qualification of its own members, and have power to compel the attendance of absent members. Meetings of the council.

SECTION 26. The common council shall have the control and management of the finances, and all property belonging in the city; and shall likewise, in addition to the powers herein vested in them, have full power to make, enact, ordain, establish, publish, enforce, alter, amend, modify and repeal all such ordinances, rules and by-laws, for the government and good order of the city, for the suppression of vice and immorality, for the prevention of crime, and for the benefit of trade, commerce and health, as they shall deem expedient; declaring and enforcing penalties, and to enforce the same against any person or persons who may violate any of the provisions of such ordinance, rule or by-law; and such ordinance, rules and by-laws are hereby declared to be and have the force of law: *provided*, they are not repugnant to the constitution and laws of the United States or of this state, and for these Special powers of the common council.

purposes shall have authority by ordinances, resolutions or by-laws:

Licensing of shows and the sale of spirituous liquors.

To license and regulate the exhibition of common showmen, or shows of any kind, or the exhibition of caravans, circuses, theatrical performances, billiard tables and bowling saloons; and to provide for the abatement and removal of all nuisances under the ordinances or at common law; and to grant licenses for selling spirituous, vinous or fermented liquors, and to regulate groceries, taverns, victualling houses, and all persons vending or dealing in spirituous, vinous or fermented liquors, and to repeal the same for a violation thereof: *provided*, that the sum to be paid for any such license shall not be less than the amount fixed and provided by the laws of the state, and that no license shall be granted for a less time than one year; *and provided further*, that no person thus licensed, shall sell or give away spirituous, fermented or vinous liquors on election days.

Restrain gambling.

To restrain and prohibit all descriptions of gaming and fraudulent devices and practices, and all playing of cards, dice or other games of chance, for the purpose of gaming in said city; and to restrain any person from vending, giving or dealing in spirituous, vinous or fermented liquors, unless duly licensed by said common council.

Prevent riots.

To prevent any riots, noise, disturbance or disorderly assemblages, suppress and restrain disorderly houses or groceries and houses of ill-fame, and to authorize the destruction of all instruments used for the purpose of gaming.

Compel cleansing of nauseous places.

To compel the owners or occupants of any grocery, cellar, tallow chandler shop, soap factory, tannery, stable, barn, privy, sewer or other unwholesome, nauseous house or place, to cleanse, remove or abate the same, from time to time, as often as it may be deemed necessary for the health, comfort and convenience of the inhabitants of said city; and the said common council shall have power at any regular meeting to enact, ordain, publish and provide for necessary and suitable by-laws, which said by-laws, so provided for, enacted and ordained, shall be the law, rule and regulation, until the same shall be abrogated and repealed by the said board, in the following cases:

Enact by-laws.

To regulate the location of slaughter-houses. To prevent the obstruction of the streets. To prevent horse-racing, fast riding or driving in the streets, and to regulate the places of bathing and swimming. To restrain horses and other domestic animals from running at large, and to provide rules for impounding and sale of the same; to prevent the running at large of dogs. Regulate the location of slaughter houses.

To establish public pounds, pumps, wells, cisterns and reservoirs; to regulate and license hacks, cabs, drays, carts and the charges of hackmen, draymen and cartmen; to erect lamps, and to provide for lighting streets, public grounds and public buildings; to authorize the building and protecting of sidewalks in the city. Establish pounds and license hacks, etc.

To restrain drunkards and immoderate drinking or obscenity in the streets or public places. Restrain drunkenness.

To compel the owner or occupants of grounds or buildings, where the same are occupied, to remove all obstructions from the sidewalks. Clear sidewalks etc.

To regulate auctions. Auctions.

To appoint watchmen and prescribe their duties. Watchmen.

SECTION 27. The common council shall examine, audit and adjust the accounts of the city clerk, street commissioner, treasurer and all other officers and agents of the city, at such time as they may deem proper, and also at the end of each year, and before their term of office expires. Shall examine accounts.

SECTION 28. The city council, within the city limits, shall have full power and authority to lay out, alter, or discontinue any highway, street, lane, alley or public walk therein, or to grade, pave or otherwise improve the same as they may deem necessary or advisable: *provided*, that no street, lane or alley shall be laid out by said council through any out-lot containing more than five acres, unless the consent of the owner or owners thereof be first obtained in writing. Power to lay out streets.

SECTION 29. No highway, street, lane, alley or public walk shall be laid out or altered, unless a petition, signed by at least six freeholders resident of the city, shall be presented to the common council asking therefor, describing the same with reasonable certainty, and if the same requires the taking of private property for public use, against the consent of the owners, not until the necessity thereof shall be first established by the verdict of a jury. Petition required before action taken.

Notice of application to be published.

SECTION 30. On presenting such petition, if it shall appear that private property is required to be taken, against the consent of the owners, the city council shall cause a notice of such application to be published, for two weeks, in one or more newspapers of said city, stating that on a certain day, therein to be named, a jury will be summoned by the city marshal to hear and decide upon such application, and the necessity of taking such property.

Shall issue venire for jury to view premises.

SECTION 31. On or before the day named in said notice, the mayor of the city, or in his absence, the acting mayor thereof, shall issue a venire directed to the marshal of said city, requiring him to summon a jury of six disinterested freeholders thereof, who have no interest in the property proposed to be taken, and are no wise of kin to any person who has an interest therein, whose duty it shall be to view the property proposed to be taken, and to hear such proofs as may be offered by any person interested in the same; such witnesses may be sworn by the city marshal.

Shall make out verdict.

SECTION 32. If such jury shall agree, and if not, new venires may be issued, and new juries summoned, until they do agree, they shall make out and deliver their verdict in writing, signed by them, to the city marshal, who shall deliver the same to the city clerk, to be filed and delivered by him to the city council at their first meeting thereafter.

If verdict is favorable, shall cause work to be done.

SECTION 33. If the jury shall have returned a verdict that it is necessary to take private property for public use, as required by said petition, the city council may thereupon cause said highway, street, lane, alley or public walk to be laid out or altered, if they shall deem it for the interest of the city; and thereupon, shall cause the same to be carefully surveyed and recorded, and an order to be entered among their proceedings, confirming said verdict.

Shall appoint commissioners to appraise damages.

SECTION 34. The city council shall thereupon, by an order entered in their proceedings, appoint three disinterested persons, freeholders of the city, commissioners, whose duty it shall be to view and examine the proposed highway, street, lane, alley, public walk or alteration thereof, and ascertain and appraise the just value of the property of the individuals, necessary to be taken therefor. They shall also ascertain and appraise the necessary cost, expenses and damages for

laying out, opening or altering the same, and make report thereof, under oath, to the city council, within such time as may be limited by said order.

SECTION 35. The commissioners shall also view, ascertain, assess, determine and report to the city council, what property, lots and parcels of land are or will be benefited by the laying out, opening or alteration of any such highway, street, lane, alley or public walk, and assess, designate, apportion and determine, the costs, expenses and damages of laying out, taking, opening or altering the same, on the property, lots and parcels of land so benefited, in just proportion, making out a list thereof, as they shall assess and apportion the same.

They shall determine benefits, and assess damages.

SECTION 36. The commissioners, in all cases where property, lots or parts of lots shall be taken, shall assess the benefits thereof to the other parts of said property or lots, and make out a list thereof, and shall strike the balances between the damages and benefits so assessed, and make out a list of the same, and report the same to the common council.

Shall strike balance between damages and benefits.

SECTION 37. The commissioners shall immediately after their appointment, and before proceeding to discharge their duties as aforesaid, give notice in one or more newspapers of the city for at least one week of the time and place in which they will meet to hear any proofs or allegations of any person interested therein, and at the time and place so mentioned they shall meet for that purpose, and may adjourn from time to time, as they may regard reasonable, but not beyond the time limited in the order for making their report, and either of said commissioners shall have power to administer an oath to any witness offered.

Shall give notice of hearing proofs.

SECTION 38. If any witness shall deem himself aggrieved by such assessment or apportionment, he may at any time within ten days after the filing of the same, appeal therefrom, by notice in writing, to the city council, and ask for a review and rehearing thereof, and the city council shall thereupon appoint a day and place for such review and rehearing, at which day and place they shall proceed to hear and review the same, and shall hear such proofs and witnesses as may be offered to be sworn by the mayor or acting mayor, and may alter or modify said assessment or apportionment, as they shall deem just and right.

Party may appeal from assessment, to city council.

May enter order of confirmation.

SECTION 39. If no appeal shall be taken, or if taken, whether modified or not, the city council may, if they deem it just and for the interest of the city, enter an order in their proceedings, that the same be confirmed.

Shall enter order to pay damages.

SECTION 40. No such highway, street, lane, alley, public walk or alteration thereof shall be laid out, opened or made, until an order shall be entered, directed to the city treasurer, to pay the owners of property which has been taken against their consent, the amount or balance so assessed or awarded in their favor.

Shall be a lien.

SECTION 41. All sums so assessed and confirmed, shall be a lien upon property so assessed and apportioned, and for the payment of which such property, lots or parcels of land shall be liable, and the same shall be collected with, and as other taxes are collected in the city.

In other cases, may lay out streets, etc.

SECTION 42. In all other cases, the city council may lay out, alter or discontinue any highway, street, lane, alley or public walk, wherever they may deem the same proper or advisable, by an order entered in their proceedings, specifying and describing the same: *provided*, the same is applied for by petition, as hereinbefore mentioned, and two weeks' notice of the same shall have been previously published in one or more newspapers of the city.

How public walks construed.

SECTION 43. The words, public walks shall be construed to mean any public ground or square which may be regarded necessary or desirable, for the health or convenience of the city; and the words, alter or alteration, to mean any widening, extending or other change of any highway, street, lane, alley or public walk which may be regarded useful, convenient or necessary to make.

Shall have authority over harbors, etc.

SECTION 44. The city council shall, within the city limits, have full power and authority over all harbors, basins, slips, wharves, docks, piers and other places for landing, fastening and mooring boats, vessels, scows, rafts, timber, lumber, merchandise or any other materials or substances whatever, and also over all rivers creeks, streams and sloughs therein, with full power and authority to deepen, widen, dredge or otherwise improve such harbors, basins, slips, wharves, docks, piers and places of fastening and mooring boats, ves-

sels, scows, rafts, timber, lumber and merchandise, as they shall deem necessary for the business interests of the city.

SECTION 45. All such power and authority shall be exercised by the passage of ordinances therefor. And no such authority shall be exercised, except upon the application of six resident freeholders of the city, expressing in said application, with reasonable certainty, the ordinance desired; and no such ordinance shall pass or be of any effect, unless the same shall have been published, at least two weeks, in one or more newspapers of the city; or unless a majority of the aldermen elected shall vote therefor, which votes shall be by the ayes and nays, and entered in the minutes of their proceedings.

Shall exercise authority under provisions of ordinance passed therefor.

SECTION 46. And if such application shall require that private property shall be taken for public use against the consent of the owner, no such ordinance shall be passed until the necessity thereof shall first be established by the verdict of a jury, in the same manner as in laying out or altering highways, streets, lanes, alleys or public walks.

Not to take private property without verdict of jury.

SECTION 47. If the city council shall pass such ordinances, commissioners shall be appointed with the same power, and the like proceedings shall thereupon be had, with the same force and effect in all respects as in laying out or altering highways, streets, lanes or alleys or public walks.

Same proceedings as in laying out streets

SECTION 48. The city council shall have full power and authority, within the city limits, to drain or cause to be drained, and to direct the manner of draining all marsh and wet lands therein, in such way and manner as they shall deem necessary and advisable.

May drain marshes.

SECTION 49. No such authority shall be exercised except upon the like application or petition as in laying out or altering highways, streets, lanes, alleys or public walks, and if such application requires that private property shall be taken for public use against the consent of the owners, not until the necessity thereof shall be first established as therein required, and whenever any ordinance for that purpose shall be passed, the same proceedings shall thereupon be had, with the same force and effect in all respects as in laying out or altering highways, streets, lanes, alleys or public walks.

But shall proceed as in laying out streets.

May appoint street commissioner.

SECTION 50. The common council shall have power to appoint a street commissioner for each year [ward], and may, by by-laws, define his powers and duties, and for that purpose, may make and enact such by-laws as they may from time to time deem proper for the surveying and grading of streets, and for the payment of damages for the construction of sidewalks. Such by-laws shall not conflict with any provision or ordinances herein mentioned, or with the laws of the state of Wisconsin.

What funds under their control.

SECTION 51. All funds in the city treasury, except school, state and county funds, shall be under the control of the common council, and shall be drawn out upon the order of the mayor, countersigned by the clerk, duly authorized by a vote of the common council, and in no other manner, and all orders drawn upon the treasury shall specify the purpose for which they were drawn, and shall be payable generally out of any funds in the treasury belonging to the city, and all such orders shall be received in payment of any debt or demand due to, or tax or assessment levied by authority of the city, except taxes levied for school purposes.

Majority must authorize debt or city order.

SECTION 52. No debt shall be contracted against the city, or order drawn upon the treasury of the city, unless the same shall be authorized by a majority of the common council, and the vote authorizing the same shall be entered by ayes and noes upon the journal of the council; and no money shall be appropriated for any purposes whatever, except such as is expressly authorized by this act.

Fines to be paid into general fund.

SECTION 53. All forfeitures and penalties accruing to the city for a violation of this act, or of any of the ordinances, rules, by-laws and regulations of the city, and all moneys received for licenses, shall be paid into the city treasury and become part of the general fund, except as otherwise provided by this act. No penalty or judgment recovered in favor of the city shall be remitted or discharged except by a vote of two thirds of all the aldermen elect.

All property taxable.

SECTION 54. All property, real and personal, within the city, except such as may be exempt by the laws of the state, shall be subject to annual taxation for the support of the city government and the payment of its debts and liabilities, and the same shall be assessed in the manner hereinafter provided. The assessors elected

under this act shall have and possess the same powers that are or may hereafter be conferred upon township assessors, except so far as they may be altered by this act: *provided, however*, that the common council may prescribe the form of assessment rolls, and more fully define the duties of assessors, and make such rules and regulations in relation to revising, altering or perfecting such rolls, as they may from time to time deem advisable.

**Powers of assessors.**

SECTION 55. On or before the first Monday of May of each year, the assessors shall meet at the common council chamber, and shall organize by electing one of their number as chairman, who shall be authorized to administer such oath as shall be necessary in the discharge of his duties as assessor; and on or before the first day of July of each year, the said assessors shall make out an accurate and complete assessment roll, which shall contain a description, as near as may be, of all lands, lots or parcels of land within the city, sufficient to identify the same, and also of all persons or bodies politic, liable to pay taxes on personal property, and opposite to each lot or parcel of land shall be affixed the value thereof, and opposite to the name of each person and body politic, shall be affixed the value of personal property assessed to each. When there are buildings on any lot or tract of land, the value of the same shall be set forth separately, when so desired by the owner thereof. The assessor may assess any lot or tract of land to the owner or occupant in such parcels or subdivisions as they may deem proper, but it shall be necessary to enter the name of the owner opposite to any tract or parcel of land. The assessment roll shall be certified to by the assessor. The assessment roll shall be made out by wards, and show the taxable property, both real and personal, of each ward separately.

**Board of assessors and making of assessment roll.**

SECTION 56. On the first and second Mondays of July, and at such other time and times as he may appoint, the assessor shall appear at the common council chamber, for the purpose of hearing any objections of parties deeming themselves aggrieved by such assessment, and after hearing the same the assessor shall make such alterations or revisions as justice or equity may require.

**Hearing of objections to assessment.**

Return and correction of assessment roll.

SECTION 57. On or before the first Monday of July in each year, the assessor shall return his assessment roll to the common council, by depositing the same with the clerk; the common council may supply omissions in said roll, and for the purpose of equalizing the same, may alter, add to, take from, and otherwise revise and correct the same, but shall not have power to increase the amount of said tax except by the value of such real property as may have been omitted by the assessor.

Filing and approval of roll, and determination of amount.

SECTION 58. When the assessment roll shall have been revised and corrected, the same shall be filed with the clerk, and an order approving the same shall be entered in the proceedings of the common council; on the first Monday of August of each year, or within ten days thereafter the common council shall determine the amount of taxes to be levied for general city purposes, and also the amount of money necessary to be levied for school purposes, and shall, by resolution, levy the same, but no such resolution shall be adopted except by a vote of two-thirds of the members elect, which shall appear in the proceedings of the common council.

Shall be a lien upon property.

SECTION 59. All taxes or assessments, general or special, levied under this act, shall be and remain a lien upon the lands and tenements upon which they may be assessed, and may be collected of the owners or occupants, and upon all personal property of any person or body politic assessed for personal taxes, from the date of the warrant for the collection thereof, until such taxes shall be paid, and no sale or transfer of such real or personal property shall affect such lien. Any personal property belonging to a person taxed may be taken and sold for the payment of taxes upon personal or real property.

Shall transmit copy to county clerk.

SECTION 60. Before the annual meeting of the board of supervisors of the county of Marathon, and by the time required by the laws of the state for the return of the assessment from the several towns, the city clerk shall transmit a copy of the assessment roll to the clerk of the board of supervisors of said county, who shall lay the same before said board at their annual meeting.

Shall regard city as town, in equalizing.

SECTION 61. The board of supervisors shall have the right to regard the city of Wausau as a town, in

equalizing the assessment rolls of the several towns in said county, as provided by law, but in such equalization, shall consider the assessment roll as an entire roll, and shall not change the relative valuation of the different wards.

How to levy county tax.

SECTION 62. The said board of supervisors may levy a tax or taxes, as now is or may hereafter be provided by law in relation to towns, but shall proceed therein without regard to the division of the city into wards, and shall cause the amount of taxes so levied, to be certified to the city clerk, in the manner provided by law, in relation to towns or town clerks, and in all transactions of the board of supervisors of said county, said city shall be regarded as a town, except as herein otherwise provided.

City clerk to make out assessment roll.

SECTION 63. Upon receiving the statement of the amount of taxes so levied, the city clerk shall make out upon the assessment roll in columns left for that purpose, or upon a copy thereof, a complete statement of the several taxes levied for the state, county, city or other purposes, and all delinquent taxes, if any, of the previous year, and all special taxes levied by the common council.

Shall be *prima facie* evidence.

SECTION 64. The tax list made out and preserved as aforesaid, shall be *prima facie* evidence in every court of record in this state, that any act or thing required by law to be done, relating to assessors or levying taxes, from the election of officers to the completion of the tax list inclusive, has been done regular, correct, and as required by law.

Shall make duplicate copy.

SECTION 65. Immediately after making out the tax list aforesaid, the clerk shall make out a duplicate copy thereof, to which shall be appended a warrant, signed by the mayor and clerk, and sealed with the corporate seal of said city, directed to the treasurer, requiring and commanding him to collect the taxes and assessments specified in said duplicate copy of the tax list, in the manner provided by law; and said clerk shall, on or before the 25th day of December, of the said year, or as soon thereafter as practicable, deliver the same to the city marshal for collection, and make a record of said delivery of the tax list aforesaid in his office.

City marshal to collect tax.

SECTION 66. The city marshal, upon receipt of said duplicate copy of the tax list, shall proceed to collect the same in like manner, and shall have like powers,

and be subject to like requirements, liabilities and restrictions, as town treasurers, except as otherwise provided in this act. The city marshal shall receive two per cent. fees upon all taxes paid to him before the first day of January, and five per cent. fees upon all taxes collected after that time, to be added to the amount of taxes, and collected with the same.

His fees.

Shall make return of delinquent list.

SECTION 67. On or before the 15th day of February of each year, the said marshal shall make out and return to the treasurer of Marathon county, a list of all lands and lots upon which the taxes have not been paid, and shall also settle with and pay over all moneys properly payable to said county treasurer, in like manner as now is or may hereafter be required of town treasurers. The said marshal shall also by the same time, make out and deliver to the city clerk a list of all delinquent personal property tax for the same year. The county treasurer shall add the same interest, penalties or fees to such delinquent returns as allowed or required by law upon delinquent returns for the several towns.

Treasurer to sell delinqnent lands.

SECTION 68. The county treasurer shall sell all delinquent lands and lots returned from the city of Wausau, at the same time and in the same manner as other delinquent lands are sold in said county.

Exempt property subject to special tax.

SECTION 69. All real estate exempt from taxation by the laws of this state shall be subject to all special taxes for the building of sidewalks and improvement of streets in front of the same.

How farming lands assessed.

SECTION 70. All lands lying within the city limits, used or kept for farming or other purposes, and not divided or laid out into lots and blocks, and all out lots, not subdivded and numbered by such divisions, shall be assessed at a moderate cash value by the acre, and shall not be subject to any special tax, nor shall the same be subject to be taxed in any manner for city purposes, at a higher or greater rate than three mills on the dollar, according to the assessed valuation thereof, during any one year.

Provisions only directory.

SECTION 71. All the directions hereby given, for the assessing of lands and the levying, collection and and return of taxes and assessments, shall be deemed only directing, and no error or informality in the proceedings of any of the officers entrusted with the same, not affecting the substantial justice of the tax itself, shall

vitiate or in any wise affect the validity of the tax or assessment.

SECTION 72. It shall be the duty of the county treasurer of the county of Marathon, and he is hereby required, where lots, tracts, pieces or parcels of land have been returned by said city treasurer as delinquent for any general tax of this state, or for any tax authorized under this act, immediately after the sale of said delinquent lots, tracts, pieces or parcels of land by him, to pay said city treasurer the amount which may have been returned delinquent belonging to the city, either in cash or certificates of sale of said lots, tracts, pieces or parcels of land so returned as delinquent. **County treasurer to pay over proceeds of delinquent lots.**

SECTION 73. The common council, for the purpose of guarding against the calamity of fire, shall have power to enact all suitable by-laws for the organization, maintenance and government of fire companies in said city, and may, in their by-laws, enact such regulations as the majority of said board may deem expedient for the safety of the property of the citizens of said city from accident or losses by fire. **May organize fire companies.**

SECTION 74. All work for the city or either ward thereof shall be let by contract to the lowest responsible bidder, at the option of the council, and due notice shall be given of the time and place of letting such contract. **All work to be let by contract.**

SECTION 75. All actions brought to recover any property or forfeiture under this act, or the ordinances, by-laws, police or health regulations, made in pursuance thereof, shall be brought in the corporate name of the city. It shall be lawful to declare generally in debt for such penalty or forfeiture, stating the clause of this [act] or by-laws or ordinance under which the penalty or forfeiture is claimed, and to give the special matter in evidence under it. All prosecutions may be commenced by summons or by a warrant as the exigencies of the case may seem to require: *provided*, that nothing herein contained shall be so construed as to prevent any peace officer from arresting without process any person found in a state of intoxication or guilty of immoderate drinking, improper reveling, obscenity or noisy, boisterous or disorderly conduct in the streets or public places, and taking such person or persons forthwith before the police justice, or keeping **How actions to be brought to recover penalties.**

them in confinement until such time as said justice can reasonably hear and dispose of such offenders.

Issue of executions.

SECTION 76. Executions shall issue forthwith on the rendition of judgment, unless the same be staid or appealed according to the laws of this state. The execution, except in cases *ex contractu*, shall require the defendants in any such action, in case no goods or chattels, lands or tenements whereof the judgment can be formed [found], to be imprisonment [imprisoned] in the jail of Marathon county, for a term not exceeding three months, in the discretion of the justice or judge rendering judgment, unless the same be sooner paid or discharged by the common council.

Not incompetent.

SECTION 77. No person shall be an incompetent judge, justice, witness or juror by reason of his being an inhabitant of said city, in any proceeding or action in which the city shall be a party in interest.

Failure of election not to suspend corporation.

SECTION 78. If any election by the people or common council shall not, for any cause, be held at the time or in the manner herein prescribed, or if the common council shall fail to organize as herein provided, it shall not be considered reason for arresting, suspending or absolving said corporation; but such election or organization may be had on any subsequent day by order of the mayor; and if any of the duties enjoined by this act, or the ordinances or by laws of the city, to be done by any officer at any time specified, and the same are not done and performed, the common council may appoint another time, at which said acts may be done or performed.

How process served against city.

SECTION 79. Whenever any suit or action shall be commenced against said city, the service thereof may be made by leaving a copy of the process with the mayor, and it shall be the duty of the mayor forthwith to inform the common council thereof, or take such other proceedings as the ordinances or resolutions of said council may provide.

May lease and hold real estate.

SECTION 80. Said city may lease, purchase or hold real or personal property for the convenience of the inhabitants thereof, and may sell and convey the same, and the same shall be free from taxation.

No change in collection of taxes.

SECTION 81. All taxes apportioned, levied or assessed in or against the village or town of Wausau previous to the organization of the city of Wausau, shall, in all respects, be collected in the same manner

as though this act had not passed; and to carry out this provision, the officers of said town or village and of the county of Marathon shall have the same rights, powers and duties as though this act were not passed.

SECTION 82. The town business of the present town of Wausau, and the village business of the village of Wausau up to the time of the taking effect of this act, shall be settled by the city of Wausau, as constituted by this act, and the amount of funds remaining, or the indebtedness of the town or village shall be apportioned between the town and village of Wausau and said city of Wausau, according to the amount of taxable property belonging to each, as taken from the assessment roll of the present year; and the records of the present village of Wausau shall remain with the clerk of said city, and the town of Wausau shall be entitled to take copies of said records, and such copies shall have the same effect when certified to by the clerk having the custody of the same, as the original records would have. Settlement between town, city and village

SECTION 83. The city of Wausau shall be represented in the board of supervisors of the county of Marathon by one supervisor from each ward, and the senior alderman in office, except in case of absence or inability, shall be the supervisor from his respective ward. The alderman, acting as supervisor, shall have power to substitute any other alderman in his ward to act in his stead. Shall be represented in county board.

SECTION 84. No compensation or salary shall be paid out of the city treasury to the mayor or any alderman of the city for his services, and they are hereby prohibited from being in any manner interested in any contract made by the authority of said city. No salary for mayor or aldermen.

SECTION 85. Every license issued by the authority of this act, or the ordinances of the city, shall be signed by the city clerk, and sealed by the corporate seal, but no such license shall be issued by said clerk until the person applying for the same shall have deposited with the clerk the receipt of the city treasurer for the amount required to be paid therefor; nor shall any license be issued for dealing in, selling or vending spirituous, vinous or malt liquors, until the same shall have been authorized by the common council, and the applicant shall have filed his receipt as How license issued for sale of liquor.

aforesaid, together with a bond, as required by the laws of this state, which bond shall be approved, either by the mayor or common council, and the minimum sum fixed by the laws of this state, to be paid for any such license, shall be paid to the city treasurer in money. Every such license shall contain a clause prohibiting the selling, vending or giving away of any spirituous or malt liquors on general or special election days.

Penalty for selling on election day.

SECTION 86. Every person having such license, who shall vend, sell or give away any spirituous, vinous or malt liquors on any election day, shall be liable to prosecution under this act or the ordinances of the city, or may be indicted or informed against in the circuit court of Marathon county, and upon conviction thereof any such offender shall forfeit and pay a sum not exceeding two hundred dollars nor less than fifty dollars, or be imprisoned in the jail or Marathon county not more than thirty days, nor less than ten days, at the discretion of the court; and the license held by such person shall be forfeited and void.

Actions for recovery of real estate sold for taxes.

SECTION 87. No suit or proceeding shall be commenced or prosecuted to recover title or possession of any lot, piece or parcel of land situated within the limits of the city of Wausau, held or claimed by virtue of any deed purporting upon its face to be executed on account of any sale for taxes or assessment levied after the passage this act until the person commencing such proceeding shall have deposited with the court in which such proceeding is or shall be commenced, for the use of the holder or claimant under such deed, an amount of money equal to the amount of taxes, costs and charges paid in procuring such deed, and all subsequent taxes, costs and charges upon the lot or land described in such deeds, and paid by such holder or claimant, together with twenty-five per cent interest thereon from the time of such payment to the commencement of such suit or proceeding, and in the event that such deed shall be defeated or impeached on the trial of such cause, the money so deposited shall be awarded to the holder or claimant under such deed, except in cases where the taxes were paid before sale, or the lands redeemed according to law. In the trial of every such cause on the part of the defendant, such deed shall be first read in evidence to the jury, and shall be evidence to the jury, and shall be evidence

in such suit or proceeding to the extent specified and provided in section 109, chapter 15, title five of the revised statutes.

City to have use of county jail.

SECTION 88. The use of the jail of Marathon county, until otherwise provided, shall be granted to said city for the confinement of offenders, and every such offender shall be delivered to the sheriff of said county, for whose custody, safe keeping and delivery the said sheriff shall be responsible as in other cases.

Private property not to be sold for public debt.

SECTION 89. No real or personal property of any inhabitant of said city, or any individual or corporation, shall be levied upon or sold by virtue of any execution issued to satisfy or collect any debt, obligation or contract of said city. The same provisions of statute that apply to towns in regard to paupers shall apply to said city.

Representation in county board

SECTION 90. The city of Wausau shall be represented in the board of supervisors of the county of Marathon, by one supervisor from each ward, and the senior alderman in office shall be the supervisor from his respective ward. The alderman acting as supervisor shall have power to substitute any other alderman in his ward to act in his stead, in representing his ward in said board of supervisors.

Term of justices not changed.

SECTION 91. Any justice of the peace or other officer of the village or town of Wausau whose term of office shall not have expired at the time this act shall take effect, may hold and exercise the duties of his office for the residue of his term of office in the same manner as though this act had not been passed.

Connection dissolved,

SECTION 92. From and after the second day of April, A. D. 1872, the connection between the town and village of Wausau and that part of said town, included within the city limits, for all town purposes, shall be dissolved. The duties now and hereafter imposed on supervisors and other town officers and village officers, so far as they relate to the city of Wausau, shall be performed by the aldermen of the several wards, and the other officers of said city. All that part of the town of Wausau not included within the city limits, shall constitute the town of Wausau, and the first town meeting shall be held at such place as the chairman of the board of supervisors of said town shall appoint.

Public act.

SECTION 93. This act shall be considered a public one, and shall be construed favorably in all courts and places.

SECTION 94. This act shall take effect and be in force from and after its passage.

Approved March 28, 1872.

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## CHAPTER 115.

AN ACT to extend the provisions of chapter 56 of the revised statutes, entitled "of mills and mill-dams," to certain dams kept up and maintained at or near the mouth of Willow river in St. Croix county.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Provisions extended.

SECTION 1. The provisions of chapter fifty-six of the revised statutes, entitled "of mills and mill-dams," are hereby extended to the dams kept up and maintained by Daniel A. Baldwin and A. H. Baldwin, at the mouth of Willow river, in St. Croix county, Wisconsin: *provided*, that this act shall not in any way affect causes of action which shall have accrued prior to the passage and publication of the same; *and provided further*, that said dams shall not be raised more than five feet higher than they are now kept up and maintained.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 25, 1872.

## CHAPTER 116.

[*Published April 5, 1872.*]

**AN ACT to repeal a portion of chapter 307 of the general laws of 1864, entitled "an act to authorize certain counties therein named, to aid in the construction of a railroad from Tomah to Lake St. Croix, by the Tomah and Lake St. Croix Railroad Company."**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. So much of chapter 307 of the general laws of 1864, entitled "an act to authorize certain counties therein named to aid in the construction of a railroad from Tomah to Lake St. Croix by the Tomah and Lake St. Croix Railroad Company," as authorizes the issue by the county of Saint Croix and the county of Eau Claire of any bonds in aid of the construction of said railroad, is hereby repealed. **Repealed.**

SECTION 2. All acts or parts of acts conflicting with the provisions of this act are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved March 25, 1872.

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## CHAPTER 117.

**AN ACT to authorize Orange Walker, Samuel Judd and William H. Veazie, to maintain a dam or dams on Eau Claire lake or river in Bayfield county.**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Orange Walker, Samuel Judd and William H. Veazie, their heirs and assigns are hereby authorized to maintain and keep up a dam or dams across the Eau Claire lake or river, at a point or points on lot four (4), section sixteen (16), township forty-four (44), range nine (9) west: *provided*, that such dam or dams shall not raise the water to exceed ten feet, and **May maintain dam.**

if the water so raised shall flow any land not owned by said parties, they shall be liable for all damages, to be recovered by suit in the circuit court.

Shall build slides.

SECTION 2. The aforesaid persons, their heirs and assigns shall build suitable slides in said dam or dams for running logs, timber and lumber over the same, and shall keep the same in repair. They shall be kept open at all times when the river is in a "driving" stage and there are logs, timber or lumber to run over said dams, and when it is not necessary to hold the water back for the purpose of driving or flooding logs, timber or lumber below the dam, for which purpose flood gates shall be kept in repair, and built in such manner as to be shut or opened, as the case may reqiure, to flood said logs, timber and lumber.

Limit of time.

SECTION 3. The aforesaid persons, their heirs and assigns, shall enjoy the privileges granted in this act for the term of fifteen years.

May collect fees for use of dam and slide.

SECTION 4. When the aforesaid persons, their heirs or assigns shall have completed the said dam or dams, as aforesaid, they are hereby authorized and empowered to receive and collect from the owners of all lumber, timber and logs, passing over such slides or driven by the aid of such dams, as a compensation for keeping up and maintaining such dam or dams, the sum of fifteen cents per thousand feet, board measure, the amount to be ascertained by scale on the landings in the woods; and the aforesaid persons, their heirs and assigns shall have a lien upon all logs and timber and lumber run over said dam or dams above specified, until the charges aforesaid shall be paid: *provided*, that they shall at all times comply with the provisions of section two of this act.

Control of dam.

SECTION 5. The control of said dam or dams, the slides and gates of the same, shall belong to the aforesaid persons, their heirs or assigns, but subject always to the provisions of section two of this act.

When dam to remain open.

SECTION 6. Nothing in this act shall be so construed as to give the parties aforesaid, their heirs and assigns, any right to shut down the gates of said dams during the months of July, August and September in each year, but the said dams and the gates thereof shall remain open during said months, and the waters of said Eau Claire river shall flow free and unobstructed

through said dam or dams, during the months aforesaid.

SECTION 7. This act shall take effect and be in force from and after its passage.

Approved March 25, 1872.

## CHAPTER 118.

[*Published April* 6, 1872.]

AN ACT to repeal a portion of chapter 401 of the general laws of 1864, entitled "an act to authorize certain counties therein named to aid the St. Croix and Lake Superior Railroad Company in the construction of its road."

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. So much of chapter 401 of the general laws of 1864, entitled "an act to authorize certain counties therein named to aid the St. Croix and Lake Superior Railroad Company in the construction of its road," as authorizes the county of St. Croix to issue its bonds in any amount to said company to aid in the construction of its road, is hereby repealed. Repealed.

SECTION 2. All acts or parts of acts conflicting with the provisions of this act, are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved March 25, 1872.

## CHAPTER 119.

[*Published April* 5, 1872.]

AN ACT to repeal chapter 279 of the general laws of 1865, entitled "an act to legalize the proceedings of certain town meetings held in the several towns of St. Croix county."

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Chapter 279 of the general laws of 1865, entitled "an act to legalize the proceedings of Repealed.

certain town meetings held in the several towns of St. Croix county," is hereby repealed.

SECTION 2. All acts conflicting with the provisions of this act are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved March 25, 1872.

## CHAPTER 120.

AN ACT to repeal chapter 51 of the private and local laws of 1869, entitled "an act to incorporate the Northern Wisconsin Railway Company."

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Repealed.

SECTION 1. Chapter fifty-one of the private and local laws of 1869, entitled "an act to incorporate the Northern Wisconsin Railway Company," is hereby repealed.

SECTION 2. All acts or parts of acts in any manner conflicting with or contravening the provisions of this act, are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved March 25, 1872.

## CHAPTER 121.

AN ACT to repeal chapter 510 of the private and local laws of 1870, entitled "an act to perpetuate the charter of the Northern Wisconsin Railway Company."

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Repealed.

SECTION 1. Chapter 510 of the private and local laws of 1870, entitled "an act to perpetuate the charter of the Northern Wisconsin Railway Company," is hereby repealed.

SECTION 2. All acts or parts of acts conflicting with or in any manner contravening the provisions of this act are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved March 25, 1872.

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## CHAPTER 122.

[*Published April 8, 1872.*]

AN ACT to establish a cheap and safe plan of insurance against loss or damage by fire, [in Grant county.]

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. The county board of supervisors of Grant county may insure against loss by fire, any dwelling house, barn, ware or store house, mill, manufactory, shop, office or other buildings situate in said county, not within the corporate limits of any city, and the personal property and goods kept therein (exclusive of living animals); but such board may confine its insurance to certain descriptions of buildings, to the exclusion of others, or insure such buildings by enhancing the premium according to the risk, and may reject or accept such applications for insurance it thinks proper. But neither said board nor the county shall ever be responsible on any contract of insurance against loss by fire, beyond the amount of insurance premium actually paid into the county treasury, and legally applicable to the payment of such loss. May insure against loss by fire.

SECTION 2. In carrying out the provisions of this act, such board of supervisors may adopt all needful by-laws, rules, regulations and conditions, and the same shall be regarded as part of all contracts of insurance entered into while they are in force; but they shall be of no validity until published in some weekly newspaper printed in such county, for at least three weeks successively. May adopt by-laws.

SECTION 3. The board of supervisors may employ such agents and vest them with such powers, not incom- May employ agents.

sistent with this act, as it deems expedient. But the services of such agents, and all expenses incurred under the same shall be paid out of the insurance fund in the county treasury, or by the persons insured, according to the regulations of the board.

Application made to chairman of town board.

SECTION 4. In case the county board has appointed no agent for the purpose, applications for insurance may be made to the chairman of the town board of supervisors, who, together with the town assessors shall examine the building or buildings sought to be insured, situate in such town, and personal property kept therein. The party desiring insurance shall make out and sign a written statement, responsive to all inquiries which may be required of him, touching such insurance. Such statement shall set forth a description of the buildings insured, and the land, lots or farm on which they are situated, and which are used therewith, and who is the owner of said lots or land, and the incumbrances thereon, if any, and such other matters as may be required by the county board. The agent of the county board appointed for that purpose, or in default of such appointment, the said chairman of the town board and the assessor, if they accept such insurance, shall endorse on, or annex to said statement, the estimated value of said building or buildings, the amount insured on personal property or goods to be kept therein, the period of the insurance, the maximum premium beyond which the insured nor his property shall be liable, and the part or proportion thereof to be paid by the insured in advance, before the risk shall commence. And the agent or agents of the county board shall further endorse on or annex to said statement that the county board insures the buildings and personal property mentioned in such statement for the period therein mentioned, the risk to commence when the applicant shall have paid the advance portion of the premium to the county treasurer, and received duplicate receipts therefor, and delivered one of them to the county clerk to be filed in his office. The statement signed by the applicant, and endorsement thereon by the agent of the county, or town chairman and assessor, shall be made out in duplicates, one of which shall be retained by the applicant, and the other shall be delivered by the county agent to the clerk of the county, to be filed by him. But nothing herein contained shall preclude the county

Shall endorse estimate of value of property, etc.

board from requiring and inserting in the statement and endorsement of acceptance aforesaid, any pertinent matter or stipulation not contrary to this act. And in case that new buildings are erected on the same premises, or addition made to buildings thereon, already insured, or in case of any alteration therein, the board or its duly authorized agent, if it consents to continue the insurance, may direct a new statement to be made out and signed by the applicant, or such alteration in the former statement and endorsement as will express the contract between the board and the insured.

Premium to be a lien upon property.

SECTION 5. The maximum insurance premium contracted to be paid for the insurance of any building, and the personal property if any, kept therein, shall be a lien, as well upon said building as the land or lots on which it is situated and described in the statements mentioned in the preceding section. And no personal property, to be kept in any building, shall be insured where the owner thereof is not also the owner of the building and the land or lots on which it is situate, unless the owner of the land or lots shall endorse his consent to the insurance on the statement mentioned in the preceding section, or annex his consent thereto, in which case the personal property kept or to be kept in such building may be insured, and the premium shall be a lien on the building and lots or land on which it is situate, and the lien mentioned in this section shall have preference over any homestead right, or any mechanics' lien or incumbrance not perfected before the insurance begins to run.

How to enforce payment of premium.

SECTION 6. In case the county board may find it necessary to collect the insurance premiums, or any part or per centage thereof, to discharge and pay off losses or expenses, it may proceed by action to enforce the sum assessed against the real estate liable thereto, in the same manner that mortgages or other liens upon lands are enforced. Otherwise the said board may proceed to collect such insurance assessment by ordering its clerk to insert in a separate column, in the assessment roll, such insurance assessment, opposite the lots or land subject to its lien; and where such land has not been assessed and valued separately, such assessment shall be a lien on the lots or land valued therewith, and belonging to the same owner. But where the lots or land described in the statement required by

section 4, are valued in common with other land not belonging to the same owner, the board shall direct the clerk to separate such other land from the premises, subject to the insurance lien, and he shall apportion the gross assessment between them according to their respective values, and the board may require this separation in all cases where the land subject to the insurance lien has been valued by the assessor in common with other land, whether belonging to the same owner or otherwise. And the insurance assessment declared by this act to be a lien upon any lots or tracts of land, shall be added to the general tax assessed against the same, and the town treasurer shall collect said insurance assessment, with like charges, of any person liable to pay the same, and it shall be a lien on any personal property he may have in such town, and it may be seized and sold by the town treasurer to pay such assessment, as though it were a tax for town or county purposes. And in case of failure to collect such assessment, the town treasurer shall return the land as delinquent, and thereafter it shall be regarded by the county treasurer as part of the delinquent tax, and if not paid, with like interest and charges, it shall be included in the amount for which the county treasurer shall sell the land; and no redemption shall be allowed from such sale till the whole amount set forth in the certificate of sale, and legal interest have been paid; and no tax deed issued upon such sale shall ever be declared void or title claimed thereunder defeated, unless it shall appear either that the land embraced in such deed was not liable to the lien of the insurance assessment, as declared in this act, or that the same, with interest and charges thereon, has been paid. A conveyance or transfer of premises, subject to an insurance lien, shall not defeat the same, but the transferee shall be entitled to the benefit of the insurance and liable to pay all subsequent insurance assessments. No person liable to pay such assessment, and refusing or neglecting for thirty days to pay the same when lawfully required, shall be entitled to recover for any loss accruing from the end of such thirty days till such assessment shall be paid or realized from the enforcement of such lien by action or otherwise.

Insurance assessment to be added to general tax.

On failure to collect, land to be returned delinquent.

Transfer of property not to affect insurance lien.

Contract may be canceled, on notice.

SECTION 7. Any insurance contract made under the provisions of this act may be canceled by the coun-

ty board or the county clerk, by written notice to that effect, served on the insured party and the repayment to such insured party, of the unearned portion of his paid in premium; and any insured party may cancel such insurance contract, by serving upon the county clerk a written notice to that effect, and paying to the county treasurer the amount owing from him thereon, and the county board may, by regulation or otherwise, determine the period of insurance, which shall in no case exceed three years.

How losses adjusted.

SECTION 8. All losses for which compensation is claimed, shall be adjusted by the county board, or some committee or agent appointed by them. The sum allowed for the burning of an insured building shall in no case exceed the appraised value of such building, nor shall it exceed two-thirds of its actual value at the time of its loss. Nor shall the amount allowed for the destruction of personal property exceed the sum or value the board undertook to insure, nor shall it exceed three-fourths of the actual value of such property at the time of its destruction. The board may, if it deems it expedient, erect a new building of equal value with that destroyed, instead of paying for the loss in money. Any party aggrieved by a decision of the county board, its committee or agents, in reference to any loss, may appeal from such decision to the circuit court as in other cases of appeals from the decision of such county board.

May replace buildings destroyed.

If expenses or claims exceed fund, may make equalized assessment.

SECTION 9. Whenever anticipated expenses, or those actually incurred, or claims for losses shall exceed the insurance fund in the county treasury, it shall be the duty of the county board to make an equalized assessment upon each of the maximum premiums. The assessments shall be arrived at by dividing each of such premiums by the number of years for which the party was insured, and of the several sums so found, a uniform rate or per centage shall be taken, sufficient in the aggregate to satisfy such losses and expenses; and such assessments shall be collected according to the foregoing provisions; but no person nor his real or personal property shall be liable for losses or expenses not incurred or happening during the period for which he was insured.

Treasurer's bond to be security.

SECTION 10. The bond given by the county treasurer shall be a security for the safe keeping and dis-

bursements of all moneys coming into his possession by virtue of this act.

SECTION 11. The provisions of this act shall only apply to Grant county.

Approved March 25, 1872.

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## CHAPTER 123.

AN ACT to amend chapter eighty-nine of the laws of 1849, entitled "an act to incorporate the Methodist Episcopal Church."

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Revived and amended.

SECTION 1. That section one of chapter eighty-nine of the laws of 1849, entitled "an act to incorporate the Methodist Episcopal Church," is hereby revived and of full force, and is hereby amended by inserting after the word, "same," in the last full line of said section, the words, "or to mortgage the same."

How construed.

SECTION 2. This act shall not be construed to repeal chapter 292 of the general laws of 1864.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 25, 1872.

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## CHAPTER 124.

[*Published April* 6, 1872.]

AN ACT to legalize certain proceedings of school district number seven in the town of Wellington, Monroe county.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Legalized.

SECTION 1. The proceedings and transactions of school district number seven in the town of Wellington, county of Monroe, held November 6, 1871, are hereby legalized in all respects.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 25, 1872.

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## CHAPTER 125.

**AN ACT to authorize Richard L. Hall, his heirs and assigns to construct a tramroad, or wooden railway in a certain portion of the county of Oconto.**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Richard L. Hall, his heirs and assigns are hereby authorized to lay and construct a tramroad or wooden railway, in the county of Oconto, commencing at said Hall's mill, in the northeast quarter of of the northeast quarter of section thirteen, township twenty-nine, of range twenty-one east, and running thence through sections 7, 18, 17, 20, 21, 28 and 33, and to the shore of Green Bay in said section 33, all in township 29, of range 22 east, and extending by a pier at the termination of said tramroad, on lots one or two of said section 33, into the waters of Green Bay to a depth sufficient for loading scows or light draft vessels: *provided*, that before said tramway or wooden railway shall be constructed over any land owned by any person other than said Richard L. Hall, the consent in writing of the owner of said land, that said tramroad or wooden railway may be constructed, shall first be obtained.

**May build tram road.**

**Location of road.**

**Shall obtain consent of owner of land.**

SECTION 2. The said Richard L. Hall, his heirs and assigns shall have the absolute control of said wooden railway, and the said road shall not be used as a public highway without the consent of said Richard L. Hall, his heirs or assigns.

**Shall have exclusive control.**

SECTION 3. This act shall be in force from and after its passage and publication.

Approved March 25, 1872.

## CHAPTER 126.

[*Published April* 6, 1872.]

AN ACT to authorize the city of Stevens Point to borrow money for the purpose of paying its indebtedness.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

**May borrow money to pay indebtedness.**

SECTION 1. The mayor and common council of the city of Stevens Point are hereby authorized to borrow such sum or sums of money, not to exceed in the aggregate the sum of ten thousand dollars, at such time or times as said mayor and common council may deem necessary for the purpose of paying the indebtedness of said city, and at a rate of interest not exceeding ten per cent. per annum.

**May issue city bonds, with interest coupons.**

SECTION 2. For the sum or sums so borrowed the said mayor and common council may issue or cause to be issued, city bonds to an amount equal to the sum or sums borrowed, which bonds shall be signed by the mayor and clerk of said city, and be in such denominations as may be thought most expedient, and shall specify the time when each such bond shall become due and payable, but not to run longer than ten years from the date of issue. Said bonds shall have interest coupons attached for the interest falling due thereon in each year, and said coupons may be taken in payment for city taxes in such years in which such coupons become due and payable.

**Moneys to be faithfully applied.**

SECTION 3. The moneys so borrowed and for which said bonds shall be issued as aforesaid, shall be faithfully applied to the payment of the floating indebtedness of said city, and a complete record of the bonds so issued, and the amounts of money borrowed under the provisions of this act, and the application of said moneys shall be kept by the city clerk and published with the other proceedings of said mayor and common council.

**Shall levy tax to pay principal and interest due.**

SECTION 4. It is hereby made the duty of the clerk of said city, whenever any bonds shall have been issued under the provisions of this act, to add annually to the amount of taxes levied and assessed for the ordi-

nary city purposes of said city, a sum equal to the whole amount of principal and interest on such bonds which may become due and payable during the year next succeeding the levy and assessment of such taxes, which shall be collected and paid over in the same manner as the ordinary taxes of said city.

SECTION 5. No bond or coupon issued under the provisions of this act, and paid by the city treasurer, shall be re-issued, nor shall new bonds or coupons be issued in place of those which have been paid and canceled, but all bonds and coupons, when paid, shall be canceled or destroyed. **Bonds to be canceled when paid.**

SECTION 6. All acts and parts of acts conflicting with the provisions of this act are hereby repealed.

SECTION 7. This act shall be in force from and after its passage and publication.

Approved March 25, 1872.

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## CHAPTER 127.

[*Published April* 3, 1872.]

**AN ACT relating to the construction of cisterns or reservoirs in the city of Manitowoc.**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Wherever a majority of the resident owners of property in any number of blocks, not less than four nor more than eight, in the city of Manitowoc, shall make and sign a petition in writing to the board of aldermen of said city, praying for the construction of a cistern or reservoir for the use of the fire department of said city, the said board of aldermen may, by written order, order the construction of such cistern or reservoir, stating in such order the size, shape and form of such cistern or reservoir, the material of which, the manner how and the place where the same shall be built, and the time till when it shall be finished. All votes taken on the adoption of said order shall be taken by ayes and noes and entered upon the records of proceedings of said board. **May order construction of cisterns, on petition.**

Clerk to give notice for sealed proposals.

SECTION 2. Whenever an order is made for the construction of such cistern or reservoir, it shall be the duty of the city clerk to give public notice in the official paper or papers of said city, that such cistern or reservoir will be constructed, and that sealed proposals will be received by the board of aldermen, or a committee of said board, for at least ten days from the date of the first publication for constructing such cistern or reservoir, and furnishing all the material necessary for the same, and contract shall be let to the lowest responsible bidder, in the same way as contract is let for street improvement.

Amount to be levied as special tax.

SECTION 3. The contract price of such cistern or reservoir shall be levied and assessed from the real estate, exclusive improvements, in such blocks from which such petition, as prescribed in section one of this act, emanates, and shall be added as a special tax to the next annual tax roll of said city, and collected in the same manner as other general or special taxes of said city are collected.

Shall allow account, and direct order to be drawn.

SECTION 4. As soon as a contract, as prescribed in section three of this act, has been fulfilled to the satisfaction of the board of aldermen, said board of aldermen shall allow the account as stipulated in said contract, and cause a city order, payable from the general fund to be issued therefor, and such general fund shall be reimbursed from the special taxes levied, assessed and collected as prescribed in section three of this act.

If contract is not fulfilled, may refuse to accept.

SECTION 5. Whenever any contract for the construction of a cistern or reservoir shall not have been fulfilled to the satisfaction of the board of aldermen, nor according to the order as prescribed in section one of this act, it shall be lawful for said board of aldermen to refuse to accept such cistern or reservoir until the same be constructed according to the provisions of such order or to the satisfaction of said board of aldermen, or the said board may make such deduction from the contract price as to them may seem just and proper.

May contract with owners, to fill cisterns.

SECTION 6. The board of aldermen may make contracts or agreements with the owners of buildings in the vicinity of such cisterns or reservoirs, for filling the same with water, or may order such cisterns or reservoirs to be filled by the fire department, or from any fountain, spring, creek or stream of water in said city,

and the costs of filling such cisterns or reservoirs shall be paid from the general fund of said city.

SECTION 7. Whenever any cisterns or reservoirs shall have been built under the provisions of this act, it shall be unlawful for the board of aldermen to order the construction of cisterns or reservoirs at the expense of the general fund, unless said board of aldermen shall refund the special taxes levied, assessed and collected, according to the provisions of section three of this act.

**Not lawful to pay out of general fund without refunding.**

SECTION 8. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

SECTION 9. This act shall be in force from and after its passage and publication.

Approved March 25, 1872.

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## CHAPTER 128.

**AN ACT to authorize Willet P. Ranney and DeElbert Ranney to maintain two certain docks and piers in Washington harbor.**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Willet P. Ranney and DeElbert Ranney, their associates, successors, heirs, executors, administrators and assigns, are hereby authorized and empowered to maintain for their exclusive use, profit, benefit and advantage, their two certain docks and piers heretofore constructed and extending into the waters of Washington harbor from the lands of the said Willet P. Ranney and DeElbert Ranney, in lots Nos. two (2) and five (5) respectively, of section twenty-five (25), in township thirty-four (34), of range twenty-nine (29); and the same docks and piers to repair, improve, enlarge and rebuild, in the same manner and with like effect, in all respects, as if the same had been originally constructed under authority of an act of legislature.

**May maintain docks and piers.**

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 25, 1872.

## CHAPTER 129.

**AN ACT to authorize T. B. Sheldon and William Howe to keep and maintain a ferry across the Mississippi river, at some point in the county of Pierce, in the state of Wisconsin, opposite the city of Redwing, in the state of Minnesota.**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

**Exclusive right to maintain ferry.**

SECTION 1. T. B. Sheldon and William Howe, their heirs, executors, administrators and assigns shall have the exclusive right and privilege, for the term of ten years from and after the passage of this act, of keeping and maintaining a ferry across the Mississippi river, where the town line between township number twenty-four (24), range number seventeen (17), and township number twenty-four (24), range number eighteen (18), strikes the said river, and within two miles of said point, up and down said river.

**Location.**

**Shall keep good and sufficient boats.**

SECTION 2. The said T. B. Sheldon and William Howe, their associates or assigns shall, within three months after the passage of this act, place and maintain, at the aforesaid place, such good and sufficient boat or boats as may be necessary to carry across said river, all teams, horses, cattle or other property, and for the accommodation of foot passengers, and shall at all times give ready and prompt attendance on passengers or teams on all occasions, and at all hours of the day or night; but persons crossing the said ferry at night may be charged double the fare hereinafter prescribed.

**May land boats on public highway.**

SECTION 3. The said corporation may land their boats, passengers and property on any public highway which now does or may hereafter terminate within the points above specified, or on the lands of any person or persons owning the same, they having first procured the permission of such owners to do so.

**Shall file bond with county clerk.**

SECTION 4. The said T. B. Sheldon and William Howe, their associates or assigns shall, within three months after the passage of this act, file or cause to be filed with the clerk of the board of supervisors of the county of Pierce, in the state of Wisconsin, a bond to the said board, with two or more sureties, in the penal sum of one thousand dollars, conditioned that they

will fulfill all the duties imposed upon them by this act, and in case of their failure to do so, they shall forfeit all the benefits that might accrue to them from the passage of this act.

Forfeiture for failure to keep boats, etc.

SECTION 5. That for every neglect to keep a good and sufficient boat or boats, failure to give prompt and due attendance upon all persons wishing to cross the said ferry, when said river is clear of ice, the aforesaid corporators shall forfeit a sum not exceeding ten dollars, to be recovered by and for the use of Pierce county, in a civil action before any justice of the peace in and for said county, and shall be further liable in a like action for all damages any persons may sustain by reason of the neglect of the aforesaid corporators to fulfill any of the duties imposed upon them by this act, or any one in their employ.

When double rates may be charged.

SECTION 6. The rates charged for crossing at said ferry shall not exceed the following, except to those crossing after eight o'clock, P. M., and before five o'clock, A. M., when double the rates herein allowed may be charged; double rates may also be charged when it shall be necessary for said corporators, on the account of high water, to run a steam ferry arround or across the island in front of Redwing in Minnesota.

Regular rates of ferriage.

The regular rates for crossing shall not exceed for each foot passenger, fifteen cents; for each horse or mule with or without rider, twenty-five cents; for each two horse, mule or ox team, loaded or unloaded, with or without driver, fifty cents; for each single horse with buggy or carriage, with or without passengers, forty cents; for each single horse, mare, mule, ox or cow, ten cents; for each swine or sheep, five cents; all freights of merchandise or other articles not in teams, at the rate of ten cents per hundred weight, when the same is delivered on board, and thirty cents per thousand feet for lumber also delivered on board.

Penalty for exacting higher rates than allowed by this act.

SECTION 7. If the said corporators, their heirs or assigns, or any ferryman or other person employed by them shall take, exact or receive any greater or higher rate of ferriage for transporting persons, goods and chattels or other things whatsoever, than is allowed by this act, the said corporators, their heirs or assigns shall be liable to the party aggrieved, in the sum of five dollars for every such offense, and which may be recov-

ered before any justice of the peace of this state, having by law, jurisdiction over the same.

Penalty for infringement upon rights herein conferred.

SECTION 8. If any other person, or persons shall, after the establishment of the said ferry as aforesaid, set up or keep or maintain any ferry, or shall carry any person, goods or chattels for hire or pay across the Mississippi river from any place on the east side or shore of the waters of said river, within the points above specified, every such person shall, for every such offense, forfeit and pay a sum not to exceed ten dollars, to be recovered as aforesaid, by and for the use of said corporators, their assigns, or any person or persons entitled to the rights herein granted.

SECTION 9. This act shall take effect and be in force from and after its passage and publication.

Approved March 25, 1872.

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## CHAPTER 130.

[*Published April* 5, 1872.]

AN ACT to authorize the board of supervisors of the town of Albion, Jackson county, to constitute a school district in said town.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

May constitute school district.

SECTION 1. The board of supervisors of the town of Albion, Jackson county, are hereby authorized to constitute high school district No. 1, in said town, and to appoint the first district officers of said town, to hold their office until their successors are elected and qualified.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 25, 1872.

## CHAPTER 131.

[*Published April* 5, 1872.]

AN ACT to authorize the city of Madison to settle and audit unpaid claims for bounties.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. The city of Madison is hereby authorized to settle and pay all claims for money due for the credit of volunteers to said city, although the amount may exceed the sum of two hundred dollars for each of said credits; and no statute of limitations shall be in force as a bar to the collection of said indebtedness. May settle unpaid claims.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 25, 1872.

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## CHAPTER 132.

AN ACT authorizing John Linder to build and maintain a dam across Big Rib river.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. John Linder, his heirs and assigns, are hereby authorized to construct and maintain a dam across the Big Rib river, on the east half of the southwest quarter of section five, in township twenty-eight north, of range six east, in Marathon county, of the fourth principal meridian; said dam to be constructed for hydraulic and manufacturing purposes, not exceeding eight feet in height above low water mark: *provided*, that said John Linder shall cause a slide to be put into said dam, so as not to obstruct the driving of logs and lumber through the same, at any stage of water on which logs and lumber could be run to the mouth of the river below said dam; *and provided*, that if the said dam shall cause the aforesaid river to overflow the land May construct dam. Shall put in slide. Shall pay damages for overflow.

of any person or persons, except the proprietors of said dam, to the injury of the owner or owners thereof, the said John Linder, his heirs and assigns shall pay in full all damages accruing at any time in such manner, when such damages shall be determined by due process of law.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 25, 1872.

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## CHAPTER 133.

[*Published April* 5, 1872.]

AN ACT to repeal chapter 389 of the private and local laws of 1871, entitled "an act to amend section 2 of the general laws of 1865, entitled an act to legalize the proceedings of certain town meetings in the several towns of St. Croix county, and to require the West Wisconsin Railway Company to complete its road to lake St. Croix, by a certain time, and to prohibit the issuing of certain bonds."

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Repealed.

SECTION 1. Chapter 389 of the private and local laws of 1871, entitled "an act to amend section 2 of the general laws of 1865, entitled an act to legalize the proceedings of certain town meetings in the several towns of St. Croix county, and to require the West Wisconsin Railway Company to complete its road to lake St. Croix by a certain time," is hereby repealed.

Prohibited from issuing bonds.

SECTION 2. The county board of supervisors of St. Croix county is hereby forever prohibited from issuing the bonds of said county, or any of them, voted under the provisions of chapters 307 and 401 of the general laws of 1864, and the acts amendatory thereof, to any of the companies named in said chapters, or to any of the companies named in said chapter 389 of the private and local laws of 1871.

Penalty for issuing bonds.

SECTION 3. If any chairman of the board of supervisors of said county, and any county clerk of said county or either of them, shall sign, countersign, or issue or deliver said bonds or any of them to the said

companies or either of them, the said chairman and the said clerk or either of them so signing, countersigning, issuing or delivering any of said bonds shall be guilty of a misdemeanor, and upon conviction thereof, shall be punishable by a fine of not less than two hundred dollars nor more than five hundred, or by imprisonment in the county jail of said county, not less than two months nor more than six months, or by both fine and imprisonment.

SECTION 4. All acts or parts of acts conflicting with or in any manner contravening the provisions of this act are hereby repealed.

SECTION 5. This act shall take effect and be in force from and after its passage.

Approved March 25, 1872.

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## CHAPTER 134.

[*Published March* 30, 1872.]

**AN ACT to revise, consolidate and amend the charter of the city of Oshkosh, the acts incorporating the city and the several acts amendatory thereof.**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

**May regulate and license sale of goods at auction.**

SECTION 1. The common council of the city of Oshkosh are hereby authorized and empowered by ordinance to regulate the sale of any goods, wares, merchandise or other property, at auction in said city of Oshkosh, and may prohibit the sale thereof at auction within the limits of said city by any person, without having obtained a license therefor; and may also require any auctioneer so licensed to sell, to make reports, verified by him, in manner and form, and at such time or times, or upon the demand of any officer or employe of said city, as shall be designated and provided by any ordinance of said city, and may require such auctioneer so licensed to pay for such license the fee hereinafter prescribed, and also the per centum upon all gross sales by him made as hereinafter prescribed, viz: for each license to any inhabitant

Prices of license.

and resident of said city, a fee not to exceed one hundred dollars for one year; for a license to any non-resident of said city, a fee not to exceed one hundred and fifty dollars per year, and may exact and require such auctioneer to pay on the gross amount of all sales by him made a sum not exceeding two per centum, except as hereinafter otherwise provided, upon all sales made by non-resident auctioneers of the following class or described articles, goods, wares, merchandise and property, viz: clothing, wearing apparel, hats, caps, mittens, gloves, cloths, groceries, dry goods, millinery goods, boots, shoes, drugs, medicines, paints, oils, iron, tin, steel, sheet iron, stoves, hardware of every kind, and including all goods, wares, merchandise and other property usually sold or kept for sale in clothing stores, hat and cap and fur stores, drug stores, paint and oil stores, grocery stores, dry goods stores, millinery stores or shops, boot and shoe stores, iron, tin or hardware stores or shops, may exact and charge upon the gross sales a sum not exceeding ten per cent. on a dollar; upon the gross sales and upon the same articles, goods, wares and merchandise, sold by a licensed resident auctioneer, and which is not the *bona fide* property of such licensed resident auctioneer, or of a *bona fide* inhabitant and resident of said city, may be exacted and charged a sum not exceeding ten per centum upon the gross amount of sales; and that any property belonging to a non-resident, which may be sold or transferred to any resident auctioneer, or to any inhabitant and resident of said city, for the purpose of in anywise avoiding or evading the provisions of any such ordinance, or in which any such non-resident shall retain any interest, shall be liable to pay such ten per centum on a dollar on all gross sales, and may require such licensed auctioneer to give a bond to said city in such penal sum, with a surety or sureties, prescribing the qualifications thereof, and requiring the same to justify, and conditioned for the faithful compliance with the provisions of such ordinance, with such other conditions as may be deemed necessary for the faithful enforcement of such ordinance. No license shall be issued for a longer time than one year, and may provide that no license shall be issued for less than one year. When the term resident, or the term inhabitant resident is used herein, it shall be and mean and include

Limit of time.

Definition of terms.

any person who is and has been for three months immediately preceding, an actual *bona fide* inhabitant and resident of said city; the term non-resident shall mean and include any person who has not been an actual, *bona fide* inhabitant or resident of said city for three months immediately preceding the issuing of any such license or the sale of any goods, wares or merchandise, or property at auction. The term licensed resident auctioneer, or resident auctioneer, shall mean and include any person licensed who has been an actual *bona fide* inhabitant and resident of said city for three months immediately preceding the granting of his license. The term non-resident auctioneer shall mean and include any person to whom a license is granted who has not been an actual, *bona fide* inhabitant and resident of said city for three months immediately preceding the issuing or granting to him of a license; and may provide that in any license issued, that it may be designated whether the person is a resident or non-resident auctioneer, and that the person accepting the same shall be bound and estopped by such license, and shall have only the rights and privileges of the class of auctioneers herein named or designated: *provided, however*, that nothing in this act shall prohibit or affect in any manner sales at auction in the cases specified by section one of chapter fifty-four (54) of the revised statutes, entitled "of auctions and auctioneers," all license fees, per centum on sales, to be paid to city treasurer for the benefit of the city.

SECTION 2. All acts or parts of acts conflicting or interfering with any of the provisions of this act are hereby repealed so far as they affect the city of Oshkosh, and no further; and shall in all other respects, and as to all localities outside the city limits of the city of Oshkosh, remain in full force and effect.

SECTION 3. This act shall be in full force and take effect from and after its passage and publication.

Approved March 25, 1872.

## CHAPTER 135.

[*Published April 9, 1872.*]

AN ACT authorizing the formation of county insurance companies in the counties of Juneau and Outagamie.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

**May form mutual insurance companies.**

SECTION 1. It shall be lawful for any number of persons, not less than twenty-five, residing in the counties of Outagamie and Juneau, in this state, who collectively shall own property of not less than twenty-five thousand dollars in value, which they desire to have insured, to form themselves into a company for mutual insurance against loss or damage by fire or lightning, which corporation shall possess the usual powers and be subject to the usual duties of corporations, and the corporate name thereof shall embrace the name of the county in which the business office of said company shall be located.

**Shall choose directors and officers.**

SECTION 2. Every company so formed shall choose of their number not less than five nor more than nine directors, and a secretary and treasurer to manage the affairs of the company, who shall hold their office for one year and until others are elected, and such directors shall choose one of their number president and one as vice president.

**Secretary and treasurer shall execute bonds.**

SECTION 3. The secretary and treasurer, before entering upon the duties of their respective offices, shall each execute and file with the president a bond in such sum as shall be determined upon by the board of directors, with good and sufficient sureties, to be approved by the president, conditioned for the faithful discharge of the duties of their office, and that they will faithfully and truly account for and pay over all moneys coming into their hands belonging to said company.

**Shall file articles of association, names of officers, and keep record.**

SECTION 4. The secretary of such company shall file articles of association and the names of the officers of such company in the county clerk's office of the county in which the office of such company is located, and shall keep a record of their proceedings in a book to be kept for that purpose, together with the names of

all persons insured, and the amount each person is insured; which record shall be kept open for the inspection of all members of such company from the hours of nine o'clock A. M. to four o'clock P. M. of each secular day, the established holidays excepted.

SECTION 5. The directors of such company may issue such policies, signed by the president or vice president and secretary, agreeing in the name of the company, to pay all loss or damage which may be sustained by fire or lightning, for a term of five years or less, by the holders of such policies, and not exceeding the sum named in such policy. **Issue of policies**

SECTION 6. Every person so insured shall give his undertaking, bearing even date with his insurance, binding himself, his heirs and assigns to pay his pro rata share to the company, of all losses or damages by fire or lightning, and expenses accruing in and to said company. And all buildings insured by said company, together with the right, title and interest of the insured to the lands on which they stand, shall be and hereby are pledged to said company. And said company shall have a lien thereon against the insured, during the continuance of his or their policy, to the amount of his undertaking, deposited with the company, and no more. He shall also at the time of effecting his insurance, pay such percentage in cash, and such reasonable sum for a policy, as may be required by the rules and by-laws of the company. **Shall execute undertaking.** **Buildings insured pledged to company, and company to have lien.** **Shall pay percentage in money.**

SECTION 7. Every member of such company who may sustain loss or damage by fire or lightning shall immediately notify the president of such company, or in case of his absence the secretary thereof, who shall forthwith convene the directors of such company, whose duty it shall be when so convened to appoint a committee of not less than three nor more than five members of such company to ascertain the amount of such loss, and in case of the inability of the parties to agree upon the amount of such damages, the claimant may appeal to the judge of the county court of such county, whose duty it shall be to appoint three disinterested persons as a committee of reference, who shall have full authority to examine witnesses and to determine all matters in dispute, who shall make their award in writing to the president, or in his absence to the secretary of such company, which award thereon shall be **Shall notify company of loss.** **Claimant may appeal.**

Award of committee to be final—pay of committee.

final. The said committee of reference shall each be allowed the sum of two dollars per day for each day's service so rendered, and the sum of five cents per mile for every mile necessarily traveled in the discharge of such duties, which shall be paid by the claimant, unless the award of said committee shall exceed the sum offered by the company, in liquidation of such loss or damage, in which case said expenses shall be paid by the company.

Classification of property.

SECTION 8. The companies formed under the provisions of this act may classify the property insured at the time of issuing policies thereon, under different rates, corresponding as nearly as may be to the greater or less risk, from fire and loss which may attach to each several buildings insured. Whenever the amount of any loss shall be ascertained which exceeds in amount the cash funds of the company, the president shall convene the directors of said company, who shall make an assessment upon all property insured to the amount for which each several piece of property is insured, taken in connection with the rate of premium under which it may have been classified.

When funds exhausted, shall make assessment.

Shall give notice of assessment.

SECTION 9. It shall be the duty of the secretary, whenever such assessment shall have been completed, to immediately notify every person composing such company, by letter sent to his usual post office, of the amount of such loss, and the sum due from him as his share thereof, and of the time when and to whom such payment is to be made. But such time shall not be less than thirty nor more than sixty days from the date of such notice.

May bring suit to collect assessment.

SECTION 10. Suits at law may be brought against any member of such company who shall refuse or neglect to pay any assessment made upon them by the provisions of this act, and the directors of any company so formed who shall wilfully neglect or refuse to perform the duties imposed upon them by the foregoing sections of this act, shall be liable in their individual capacity to the person sustaining such loss.

Not to insure out of the county—what kinds of property.

SECTION 11. No company formed under this act shall insure any property out of the limits of the county in which the said company is located, nor shall they insure any property other than detached dwellings and their contents, and farm buildings and their contents, and live stock while running at large, and hay

and grain in the bin or stack; nor shall they insure any property within the limits of any incorporated city of this state.

SECTION 12. The officers of each company so formed shall be chosen by ballot at the annual meeting thereof, which meeting shall be held at the secretary's office on the first Tuesday of January in each year, and every person having property insured shall be allowed one vote. But no person shall be allowed to vote by proxy at such election. **How officers chosen.**

SECTION 13. It shall be the duty of the secretary of every company as aforesaid, to prepare a statement showing the condition of such company on the day preceding their annual meeting, which statement shall contain the amount insured, the number of policies issued, and to whom, the amount insured by each policy, and all other matters pertaining to the interests of such company, and which statement shall also be read to the members of said company at their annual meeting, after which it shall be filed in the office of the secretary as a part of the records of the company. **Shall make annual statement.**

SECTION 14. Any member of such company may withdraw therefrom at any time, by giving notice in writing to the president, or in his absence, to the secretary thereof, and paying his share of all claims then existing against said company. And the directors, or a majority thereof, shall have power to annul any policy by giving notice in writing to that effect to the holder thereof. **Any member may withdraw.**

SECTION 15. Non-residents of any county in this state owning property therein, may become members of any company founded under this act, and shall be entitled to all rights and privileges appertaining thereto, except that it shall not be lawful for such non-residents to become an officer of said company. **Non-residents may become members.**

SECTION 16. The company so formed may adopt such by-laws for its regulation as are not inconsistent with the provisions of this act, and may therein prescribe the compensation of its officers. **May adopt by-laws.**

SECTION 17. No company formed under this act shall continue for a longer term than thirty years. **Limit of term.**

SECTION 18. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed. **Repealed.**

SECTION 19. The provisions of this act shall only apply to the counties of Outagamie and Juneau. **Where applicable.**

SECTION 20. This act shall take effect and be in force from and after its passage and publication.

Approved March 25, 1872.

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## CHAPTER 136.

**AN ACT to lay out a state road from the village of Ashland, in Ashland county, through Ashland, Chippewa and Eau Claire counties, to the village of Eau Claire.**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

**Appointed commissioners.**

SECTION 1. R. D. Pike, L. C. Stanley and H. C. Putman, of the counties aforesaid, are hereby appointed commissioners to lay out a state road, commencing at the village of Ashland, Ashland county, running thence southwestwardly on the most feasible and practicable route to or near to the mouth of the Flambeau river, in township thirty-three north, of range seven west; thence to Vanville, in the the town of Bloomer, Chippewa county, to Eau Claire, in Eau Claire county, and also from or near the mouth of the Flambeau river as aforesaid, to Chippewa Falls, in Chippewa county.

**Two may proceed, and their compensation.**

SECTION 2. Any two of said commissioners may proceed to lay out and establish said road, and upon the performance of said service, shall be entitled to receive a reasonable compensation therefor from the counties through which said road shall pass: *provided*, that no part of said expense shall be paid from the state treasury.

**Shall file order, survey and map**

SECTION 3. After said commissioners shall have laid out said road, they shall, within thirty days, file in the office of the county clerk of the counties through which said road is laid, their order, laying out such road, with a survey and map of the same, and their award of damages, or the releases of the same.

**How damages paid.**

SECTION 4. The damages sustained by any person through whose land such highway shall be laid may be settled by agreement between the said board of commissioners and such person or owners, and shall be paid by the towns in which the same may be located, and the amount so allowed, levied and collected in the same manner as other town charges.

SECTION 5. This act shall take effect and be in force from and after its passage.

Approved March 25, 1872.

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## CHAPTER 137.

AN ACT to repeal chapter 500 of the private and local laws of 1870, entitled "an act to perpetuate the Bayfield and Saint Croix Railway Company."

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Chapter 500 of the private and local laws of 1870, entitled "an act to perpetuate the Bayfield and Saint Croix Railway Company," is hereby repealed. Repealed.

SECTION 2. All acts or parts of acts conflicting with, or in any manner contravening the provisions of this act, are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved March 25, 1872.

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## CHAPTER 138.

AN ACT to repeal section 19 of chapter 407 of the private and local laws of 1869, entitled "an act to incorporate the Bayfield and Saint Croix Railway Company."

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Section 19 of the private and local laws of 1869, entitled "an act to incorporate the Bayfield and Saint Croix Railway Company," is hereby repealed. Repealed.

SECTION 2. All acts or parts of acts conflicting with, or in any manner contravening the provisions of this act, are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved March 25, 1872.

from," and before the words, "the ward," the words, "or shall cease to be a resident of."

How vacancies filled.

SECTION 2. Section 5 of said chapter 2 of said act is amended so as to read as follows: "Whenever a vacancy shall occur in the office of mayor or alderman, justice of the peace or police justice, after the commencement of the term of service and more than two months before the next general election of ward and city officers, such vacancy shall be filled by a new election, which may be ordered by the common council, and held within fifteen days after such vacancy shall occur. Any vacancy in either of the offices above named in this section, which shall not have been supplied by an election before the general election of ward and city officers next succeeding the happening thereof, may be supplied at such general election. Any vacancy happening in any other office shall be filled by the common council. The person elected or appointed to fill such vacancy shall hold his office and discharge the duties thereof for the unexpired term, and with the same rights and subject to the same liabilities as the person whose office he may be elected or appointed to fill."

Powers and duties of the city treasurer.

SECTION 3. Section twelve of chapter three of said act is hereby amended so as to read as follows: The treasurer shall have power and perform the duties hereinafter prescribed, in the collection of taxes and assessments, and in addition thereto, have the same powers and duties, and be subject to the same liabilities as treasurers in towns, so far as said powers, duties and liabilities are not inconsistent with the provisions of this act, and shall receive for collecting all taxes and assessments levied by said city, and for all other services performed by him as treasurer of said city, such annual compensation or salary, to be paid quarterly as shall be fixed by the common council, on or before the first of March for the ensuing year, except for the year 1872, which salary shall not be increased nor diminished during his term of office; and all fees received by said treasurer as such treasurer, shall be paid into the treasury of and belong to said city, and constitute a part of the general fund. Section 17 of chapter 3 of said act is hereby amended by inserting therein, after the word, "report," the words, "under oath."

SECTION 4. Subdivision five of section five of chapter four of said act is hereby amended by adding thereto as follows: "without the consent of the common council thereto, and upon such conditions as it may think proper to impose." Section seventeen of chapter four of said act is hereby amended by adding thereto as follows: "One-half of all moneys paid into the treasury of said city for licenses for vending and dealing in spirituous, vinous and fermented liquors, shall be paid by the city treasurer, immediately after the receipt thereof by him, to the treasurer of the Young Men's Association of the city of Janesville, to be used by such association in the purchase of books for its library." Chapter four of said act is hereby amended by adding a new section thereto, to be known as section twenty-one, and to read as follows: The common council of the city of Janesville shall have power to remove from office any officer mentioned in the act of which this act is amendatory, or any agent under said city government for any violation or neglect of duty, or for any violation of the provisions of said act, or of any ordinance, resolution, rule, order, regulation or by-law of the common council of said city, either of omission or commission.

Amended.

Disposal of license moneys.

Power of removal from office.

SECTION 5. Subdivision five of section one of chapter five of said act, as amended, is hereby amended so as to read as follows: Second. To annually levy and collect a school tax not exceeding fifteen thousand dollars on all real and personal property in said city, to meet the expenses of repairing and furnishing school-houses, and supporting and maintaining schools, which shall constitute a part of the school fund.

Levy of school tax

SECTION 6. Subdivision three of section one of said chapter five, as amended, is hereby amended so as to read as follows: Third. To annually levy and collect taxes, not exceeding two thousand dollars, on real and personal property in said city, to meet the expenses of repairing and maintaining bridges, which shall constitute the highway, street and bridge fund. Also to annually levy and collect taxes, not exceeding twenty-five hundred dollars, on all real and personal property in said city, for the erection of lamp posts and the lighting of the streets and public grounds in said city with gas, which shall constitute the gas fund.

Levy of bridge and street tax

For lighting with gas.

For support of fire department.

SECTION 7. Subdivision five of chapter one of said chapter five, as amended, is hereby amended so as to read as follows: Fifth. To annually levy and collect taxes not exceeding five thousand dollars, on all real and personal property in said city, to meet the current expenses of supporting and maintaining efficient fire engine, hook and ladder and hose companies in said city, which shall constitute the fire department fund.

Provisions for change of grade and regrading streets.

SECTION 8. Amend section one of chapter six of chapter 474 of the private and local laws of 1866, by adding to the end thereof the following: "*provided*, that in any case where the grade of any street or part of street has heretofore been or shall hereafter be duly established, and the owner or owners of any lot or lots fronting thereon have made or shall hereafter make permanent improvements upon his, her or their said lots, conforming to such grade, so established, and the grade of such street or part of street shall thereafter be changed by said common council, and worked to conform to such change, and damage to an amount exceeding one hundred dollars shall hereafter result therefrom to the owner of any such lot or lots, upon which permanent improvements shall have been made, conforming to the grade heretofore established, in every such case, such owner, who shall not have signed the recommendation for such change in grade, and for regrading required by section 18 of said chapter 6, shall be entitled to compensation for such actual damage as his said lot or lots may sustain, by reason of such change, beyond the benefits and advantage thereto, derived therefrom; and such damage, if any, when ascertained as hereinafter specified, shall be a lien and charge upon the lots and parcels of land fronting on the entire length of such street, and shall be assessed thereon, with the other expenses of such regrading, in the manner specified in subdivision one (1) of section 19 of said chapter 6, and collected therewith, and when collected, to be paid to such owner. But no such damage shall be claimed by or awarded to any such owner, unless he shall have notified said council in writing, at its next regular meeting, preceding the one at which said recommendation shall have been presented, that he will claim damage, and shall specify the particular lot or lots upon which he shall claim the same. The damage to each several owner, entitled thereto here-

Entitled to damages.

Must notify council, of claim for damages.

How determined.

under shall be determined in the first instance by the arbitrament and award in writing of three (3) disinterested freeholders, resident of other wards of said city than the one in which said street is located, who shall be appointed by the mayor, with the concurrence of said council, and who severally shall, before entering upon the discharge of their duty, take an oath, faithfully and fairly to discharge their duty, and a true award make. All of said arbitrators shall sit and hear the evidence and allegations of the parties in interest, and to that end are hereby empowered and authorized to administer oaths to witnesses. But an award signed by two of them shall be valid and sufficient. Said arbitrators shall give due notice, by publication or otherwise, to the parties in interest of the times and places of their meetings, and shall report the testimony taken by them, together with their award or awards, to the common council; and it shall cause the same to be filed with the clerk of said city; and said award or awards so made and filed shall be final and conclusive, between all parties in interest, unless appealed from as hereinafter specified. Any party in interest may appeal from any award so made, to the circuit court for Rock county, by notice in writing, served upon said city clerk, specifying the particular award appealed from, and signed by himself or his attorney: *provided*, said notice be given within twenty days from the time of filing said award; *and provided further*, that the person or persons so appealing shall, within said twenty days, make and file with said clerk, an undertaking, with two or more sureties, to be approved by said council, to such persons, and conditioned as said council shall direct, by order or ordinance upon the subject. Upon the filing of said bond, its approval and the serving of said notice within the time aforesaid, said clerk shall thereupon transmit said notice, bond, report of testimony and award, to said circuit court, or to the clerk thereof, and said court shall try the same as other actions at law, upon an issue to be formed under the direction of said court. No contract shall be made by said common council for the regrading of any street or part of street, upon which damages shall be claimed until all the damages so claimed shall be determined and finally fixed, and when made, the assessment there-

**Shall give notice of arbitration.**

**Parties may appeal from award.**

**Not to contract till damages are fixed.**

ing,] re-macadamizing or re-curbing, as the case may be, upon such property as would be properly chargeable therewith in case it were the expense of the first or original grading, graveling, macadamizing or curbing such street, highway, lane or alley; which assessment shall be collected at the time and in like manner as an assessment for grading, graveling, macadamizing, paving or re-paving, planking or re-planking or curbing as the case may be, is directed to be collected by this act: *provided*, that no street, highway, lane or alley, or any part thereof, shall be re-graded, re-graveled or re-macadamized without a recommendation in writing signed by a majority of the resident owners of the property which is chargeable with the expense of such proposed improvements, which recommendation shall be entered at length by the clerk upon the record of the proceedings of the common council.

**Provisions relating to recovery of lands sold for taxes.**

SECTION 16. Section 25 of chapter 7 of said act is hereby amended so as to read as follows: No order of injunction shall be allowed or issued by any court, judge or commissioner in this state to enjoin or restrain the sale of any lands in the city of Janesville for taxes or assessments, or to enjoin, restrain or interfere with any proceedings taken or attempted or threatened to be taken for the collection of taxes or assessments, except upon notice or an order to show cause; and no action or proceedings shall be commenced in any court in this state for the purpose of setting aside the taxes or assessments on any lands situate in said city of Janesville, or to invalidate or set aside any certificate of sale of land therein for taxes or assessments, or any tax deed conveying any land in said city, or for the purpose of recovering the possession of lands therein held under a tax deed, unless the person or persons commencing such action or proceeding shall first pay to the treasurer of said city the amount of all taxes and assessments remaining unpaid thereon, whether such taxes and assessments have been regularly assessed or not; and the person commencing such action or procedings shall allege in his complaint or papers, either that all taxes and assessments on such lands have been paid within the time required by law for the payment thereof, or, if payment is not made by virtue of this section, he shall allege the amount which has been paid to the city treasurer, to enable such

party to commence such action or proceedings, the time of payment, and the year for which such payment is made; and if it shall appear, upon the trial or hearing of such action or proceedings, that the amount so paid is not the amount of taxes and assessments justly chargeable upon such lands, such action or proceeding shall be dismissed, and costs taxed against the plaintiff. Subdivision three of section eight of chapter eight of said act is hereby amended by adding thereto as follows: *provided*, that it shall be the duty of said board of education, and they are hereby required, to employ in the high school, at least one teacher competent to teach the German language, and who shall, under such rules and regulations as may be adopted by such board, teach the German lauguage to all pupils in said school who shall desire it. Subdivision 6 of section 8 of chapter eight of said act is hereby amended by striking out the words, "sixty-five hundred," and inserting in lieu therof, the words, "fifteen thousand." Chapter eight is further amended by adding a new section as follows: "Section 17. The board of education shall report to the common council whenever any vacancy may occur in said board by resignation or otherwise; or whenever any member of said board shall be guilty of any act of omission or commission, or of any neglect of duty as a member of said board."

German language in schools.

Board of education to report.

SECTION 17. Sections two, three and four of chapter nine of said act, are hereby amended so to read as follows: Section 2. The common council shall also have power to procure engines and other apparatus used for the extinguishment of fires, and have the charge and control of the same, and provide fit and secure engine houses and other places for keeping and preserving the same, and shall have power—

Powers of the council relating to the fire department.

First. To organize fire engine, hose and hook and ladder companies.

To organize companies.

Second. To appoint, during their pleasure, a competent number of able and reputable inhabitants of said city, firemen, to take the care and management of the engines and other apparatus and implements used and provided for the extinguishment of fires.

To appoint firemen.

Third. To prescribe the duties of firemen, and to make rules and regulations for their government and efficiency, and to impose reasonable fines and forfeitures upon them for a violation of the same; and for inca-

To prescribe their duties, etc.

execution issued to satisfy or collect any debt, obligation or contract of said city."

SECTION 21. All acts and parts of acts in any way conflicting with the provisions of this act (*be and the same*) are hereby repealed.

SECTION 22. This act shall take effect and be in force from and after its passage and publication.

Approved March 26, 1872.

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## CHAPTER 141.

[*Published March* 30, 1872.]

**AN ACT to regulate the inspection of fresh water fish in the city of Milwaukee.**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

**Shall appoint fish inspectors, and their term of office.**

SECTION 1. There shall be appointed by the Merchants' Association of Milwaukee, as soon as convenient after the passage of this act, and biennially thereafter, one or more fish inspectors for the city of Milwaukee, and each inspector so to be appointed shall reside and keep his office in said city. The inspector or inspectors first appointed after the passage of this act shall hold his or their office or offices respectively, until the third Monday of April, 1874, and until his or their successor or successors shall respectively be duly qualified, and each inspector subsequently appointed shall hold his office for the term of two years, and until his successor shall be appointed and qualified, and no fresh water fish shall be sold or offered for sale in or at the said city of Milwaukee, without first being duly inspected by one of said inspectors.

**Shall have fish inspected.**

SECTION 2. It shall be the duty of every person or persons, bringing or causing to be brought to the city of Milwaukee for the purpose of sale, any fresh water fish, to have the same duly inspected by one of said inspectors, before such fish shall be sold, or in any way disposed of in the state of Wisconsin, and it shall be the duty of any person or persons receiving such fish by consignment, for and on account of any other party,

to have such fish duly inspected by one of said inspectors before delivering them to the owner or his agent, or other person, to be sold in the state of Wisconsin, and such consignee shall pay to the said inspector the fees of inspection, and shall have a lien upon such fish in his possession, for the fees so advanced by him. And it shall be the duty of every person having such fish in his possession for the purpose of selling or dealing in the same, and of every consignee having fish on consignment, before the said fish shall be sold or in anywise disposed of, to give notice to one of the said inspectors, and have such fish duly inspected and branded; and for this purpose such person shall arrange the packages in a convenient manner and have them in some suitable place.

Shall inspect fish.

SECTION 3. It shall be the duty of said inspectors, on due application of any person or persons having such fish in his possession, to repair to the place of deposit of such fish, if the same shall be within the limits of the city of Milwaukee, and inspect the same with as little delay as possible.

Shall procure sealed weights.

SECTION 4. It is hereby made the duty of the said inspectors to procure sealed weights, and carefully weigh all fish offered for inspection, and before the said inspectors shall grant a certificate of due inspection or brand the packages as duly inspected, they shall first find that the contents and weights of the several packages are as follows, viz: Each barrel shall contain 200 pounds; each half barrel shall contain 100 pounds, and each quarter barrel shall contain 50 pounds. Such inspectors shall also, on branding any package of fish as inspected, plainly and distinctly mark on the head of each package, in some indelible manner, the kind, quantity and quality of the fish contained in each package respectively, together with their respective names, and the year and the month in which the same shall have been inspected.

Weight per barrel fixed.

Brands.

Liable for damages.

SECTION 5. The said inspectors shall be liable by suit in any court having jurisdiction of the cause, for all damages that may accrue to any person or persons or company, by reason of misfeasance or malfeasance in the inspection of any package of fish.

Fees of inspectors.

SECTION 6. Each inspector shall be entitled to such fees for the performance of his duties as the said Merchants' Association shall from time to time prescribe,

not exceeding, however, the rates now established by the general laws of this state, which fees shall be paid to them at the time of inspection by the person in whose possession the fish so inspected may be.

Not to brand imperfect barrels.

SECTION 7. The said inspectors shall not put their brands on any package of fish as duly inspected, unless the same be well hooped and headed, and in all respects sufficient to retain brine, and also to be in good shipping condition.

Shall keep record.

SECTION 8. The said inspectors shall keep a record of the number of packages and sizes and of the kinds and qualities of fish, and for whom inspected by them each year, and shall make a report of the same to the Merchants' Association of said city of Milwaukee, on the first day of January in each year.

Where and how keep office.

SECTION 9. It shall be the duty of said inspectors to keep their offices at convenient places in said city, which shall be kept open during business hours, and in which inspectors shall at all times have some person during their absence to receive orders.

Enforcement of this law.

SECTION 10. It shall be the duty of the said inspectors to see to the enforcement of this law, and that all violations of the same are prosecuted.

Penalty for non-compliance

SECTION 11. If either of said fish inspectors shall violate, refuse or fail to comply with any of the provisions of this law, so far as they are made incumbent upon them, he or they shall, for every offense, be liable to a fine of not less than five dollars, nor more than one hundred dollars, which said fine may be collected in the same way as is provided by the revised statutes for the collection of fines in cases of misdemeanors.

Shall give bond.

SECTION 12. Every person who shall be appointed to the office of inspector of fish in pursuance hereof, shall, before entering upon the discharge of the duties of his said office, give bond with two good and sufficient sureties, in the penal sum of five thousand dollars, and running to the said Merchants' Association of Milwaukee and its successors, and conditioned that he will well and faithfully perform the duties of said office, and satisfy all damages that may be legally demanded of him by virtue of the provisions hereof, which bond shall be approved by the president of said Merchants' Association and shall be deposited with and

held by him, for the benefit of all persons interested therein.

SECTION 13. Each of said inspectors shall have the right to sue in any courts having jurisdiction of the action, for his fees for services performed, either by himself or his assistants by virtue hereof. May sue for fees

SECTION 14. The general laws of this state relating to the inspection of fresh water fish shall not extend, to or be operative in the city of Milwaukee, and the said city, and the inspection of fresh water fish therein are hereby exempted from the operations of all general laws on that subject. General laws not to apply.

SECTION 15. This act shall take effect on the first day of June, 1872.

Approved March 26, 1872.

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STATE OF WISCONSIN, }
SECRETARY'S OFFICE. }

The secretary of state of the state of Wisconsin does hereby certify, that the laws published in this book have been compared with the originals deposited in this office, and that they appear to be correctly printed.

In testimony whereof I have hereunto set my hand and affixed the great seal of the state, at the capitol, in Madison, this 13th day of July, A. D. 1872. [L. S.]

LL. BREESE,
*Secretary of State.*

## ERRATA.

On page 3, in list of members and officers, the residence of M. H. Pettit, Lieut. Governor, should be "Kenosha, Kenosha county," instead of "Racine."

On page 88, chapter 19, section 1, in third line, for "Detroit city," read, "Detroit street;" in fourth line of said section, for "third ward of said street," read, "third ward of said city."

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